

FEDERAL REGISTER

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Pages 6603-6674

PART I

(Part II begins on page 6659)

Agencies in this issue—

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Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Economic Opportunity Office
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
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Service
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Park Service
Securities and Exchange Commission
Small Business Administration
Social Security Administration
State Department
Treasury Department

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5-Year Compilations of Presidential Documents

Supplements to Title 3

of the

Code of Federal Regulations

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the President and published in the Federal Register during the period June 2, 1938–December 31, 1963. Tabular finding aids and subject indexes are included. The individual volumes are priced as follows:

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Title 3—THE PRESIDENT

Proclamation 3719

WORLD TRADE WEEK, 1966

By the President of the United States of America

A Proclamation

Expansion of world trade is the principal objective of the liberal foreign trade policies our Nation has followed for more than thirty years.

This two-way trade between the United States and other nations has resulted in many benefits for our country:

—It has advanced the peaceful progress of our Nation and the well-being of all Americans by strengthening the growth of private enterprise and employment.

—It has provided the American businessman with increased opportunities to export more United States products and services.

—It has given the American consumer a wider choice of products at competitive prices.

—It has promoted the cause of peace by broadening the scope of our cooperation with other nations.

—It has been of great importance in helping the developing nations modernize their economies.

Much remains to be done if we are to achieve a balanced international economy where all nations, developed and developing, can share the fruits of freer trade:

—We must continue to work diligently this year to bring the Kennedy Round of trade negotiations to a timely conclusion in a manner that assures the realization of the hopes and expectations with which this great effort at trade liberalization was launched.

—We must intensify our efforts to reduce the United States balance-of-payments deficit and reach our goal of equilibrium in our international accounts.

Progress towards accomplishing these objectives is the aim of World Trade Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning May 22, 1966, as World Trade Week; and I request the appropriate Federal, State, and local officials to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, professional, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

THE PRESIDENT

DONE at the City of Washington this 29th day of April in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

By the President:

LYNDON B. JOHNSON

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-4902; Filed, May 2, 1966; 2:45 p.m.]

Executive Order 11277

DESIGNATING THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM AS AN INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), I hereby designate the International Telecommunications Satellite Consortium, an organization in which the United States participates pursuant to the authority of the Communications Satellite Act of 1962 (76 Stat. 419; 47 U.S.C. 701-744) and which was established pursuant to the Agreement Establishing Interim Arrangements for a Global Commercial Communications System of August 20, 1964, TIAS 5646, and the Special Agreement signed pursuant thereto, as an international organization, as that term is defined in Section 4(i) of the International Organizations Immunities Act, entitled to enjoy, from and after August 20, 1964, all of the privileges, exemptions, and immunities provided by Section 4(a) of that Act.

The foregoing designation is not intended to abridge in any respect any privileges, exemptions, or immunities which such organization or the Interim Communications Satellite Committee (provided for by the above-mentioned Agreements) may have acquired or may hereafter acquire by treaty, Congressional action, or other Executive order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 30, 1966.

[F.R. Doc. 66-4899; Filed, May 2, 1966; 1:43 p.m.]

Rules and Regulations

The following rules and regulations are hereby established for the purpose of maintaining order and discipline in the institution. These rules shall be strictly enforced, and any student who fails to comply with them shall be subject to the penalties herein provided.

1. Every student shall be required to attend all classes regularly and punctually. Absence without proper excuse shall be considered a violation of this rule.

2. Students shall be expected to maintain a high standard of academic honesty. Plagiarism, cheating, and any other form of dishonesty shall be severely punished.

3. Students shall be required to dress in a neat and appropriate manner. Clothing that is vulgar, obscene, or otherwise inappropriate shall not be permitted.

4. Students shall be prohibited from using any form of electronic devices (cell phones, pagers, etc.) during class time. These devices shall be turned off and stored away when entering the classroom.

5. Students shall be expected to treat all faculty and fellow students with respect and courtesy. Any form of harassment, bullying, or discrimination shall be strictly prohibited.

6. Students shall be required to follow all instructions given by the faculty and staff. Failure to do so shall be considered a violation of this rule.

7. Students shall be prohibited from consuming alcohol, tobacco, or any other illegal substances on the premises of the institution.

8. Students shall be required to maintain a clean and tidy living environment. Rooms shall be kept free of clutter, and all trash shall be disposed of properly.

9. Students shall be expected to participate in all school activities and programs. Failure to do so shall be considered a violation of this rule.

10. Students shall be required to adhere to all other rules and regulations established by the institution.

Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Special Requirements for Admission, Extension, and Maintenance of Status

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The following sentences are inserted immediately preceding the last sentence of subdivision (ii) *Petition for alien to perform other temporary service or labor of subparagraph (2) Supporting evidence of paragraph (h) Temporary employees of § 214.2 Special requirements for admission, extension, and maintenance of status* to read as follows:

"If there is attached to the petition a notice from the Secretary of Labor or certification cannot be made, the petitioner his designated representative that shall be permitted to present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. All such evidence submitted will be considered in the adjudication of the petition."

2. The existing third and fourth sentences of subparagraph (3) *Admission, employment, and extension of paragraph (h) Temporary employees of § 214.2 Special requirements for admission, extension, and maintenance of status* are deleted and the following three sentences are inserted in lieu thereof: "A non-immigrant visa petition in a case in which a certification is not submitted shall be valid for not more than 1 year from the date of the petition's approval. If a certification by the Secretary of Labor or his designated representative is attached to a petition to accord an alien a classification under section 101(a) (15) (H) (ii) of the Act, the approval of the petition shall not be valid beyond the date to which the certification is valid. When the certification does not set forth a date until which it is valid, the approval of the petition shall not exceed 1 year from the date on which the certification was issued."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the *FEDERAL REGISTER*. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule mak-

ing and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: April 28, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-4831; Filed, May 3, 1966; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart H—Evidence

EVIDENCE AS TO AGE

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Paragraphs (b) and (c) of § 404.703 are amended to read as follows:

§ 404.703 Evidence as to age.

(b) *Type of evidence to be submitted.* Where an individual is required to submit evidence of date of birth as indicated in paragraph (a) of this section, he shall submit a public record of birth or a church record of birth or baptism established or recorded before his fifth birthday, if available. Where no such document recorded or established before age 5 is available, the individual shall submit as evidence of age another document or documents which may serve as the basis for a determination of the individual's date of birth provided such evidence is corroborated by other evidence or by information in the records of the Administration.

(c) *Evaluation of evidence.* Generally, the highest probative value will be accorded to a public record of birth or a church record of birth or baptism established or recorded before age 5. Where such record is not available, and other documents are submitted as evidence of age, in determining their probative value, consideration will be given to when such other documents were established or recorded, and the circumstances attending their establishment or recordation. Among the documents which may be submitted for such purpose are: school record, census record, bible or other family record, church record of baptism or confirmation in youth or early adult life, insurance policy, mar-

riage record, employment record, labor union record, fraternal organization record, military record, voting record, vaccination record, delayed birth certificate, birth certificate of child of applicant, physician's or midwife's record of birth, immigration record, naturalization record, or passport.

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

APRIL 15, 1966.

Approved: April 27, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

[F.R. Doc. 66-4819; Filed, May 3, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-92]

PART I—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Customs Agency Region I

Part of Customs Agency Service Region I is realigned to increase operational effectiveness. In keeping with this realignment § 1.5 of the Customs Regulations (19 CFR 1.5) is being amended to delete two customs agents in charge offices and to designate a new customs agent in charge office and to state its geographical jurisdiction.

Section 1.5 of the Customs Regulations (19 CFR 1.5) is, accordingly, hereby amended as follows:

The offices of the customs agent in charge at Ogdensburg, N.Y., and St. Albans, Vt., are deleted.

A new customs agent in charge office at Rouses Point, N.Y., is added with the following area of jurisdiction:

Vermont and Coos County, N.H. The northern part of the State of New York bounded by and including the counties of Jefferson, Lewis, Herkimer, Hamilton, Warren, and Washington.

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 27, 1966.

TRUE DAVIS,
Assistant Secretary of
the Treasury.

[F.R. Doc. 66-4861; Filed, May 3, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7186; Amdt. 472]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TOY VOR	ALN RBn	Direct	2200	T-dn	300-1	300-1	200-1/4
Prairie Int.	ALN RBn	Direct	2200	C-dn	600-1	600-1	600-1 1/4
Hartford Int.	ALN RBn	Direct	2200	S-dn-17	600-1	600-1	600-1
Godfrey Int.	ALN RBn	Direct	2200	A-dn\$	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 006° Outbnd, 185° Inbnd, 2200' within 10 miles of Dorsey Int.

Minimum altitude over Dorsey Int on final approach crs, 2200'.

Crs and distance, Dorsey Int to airport, 185°—5.8 miles; breakoff point to runway, 168°—0.92 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Dorsey Int, make left turn climbing to 2200' on 100° bearing from ALN RBn within 10 miles, make left turn and return to ALN RBn.

NOTES: (1) Operating VOR/ADF equipment required to identify Dorsey Int. (2) Obtain altimeter setting from STL FSS when control zone not effective.

\$Alternate minimums authorized only during hours control zone is effective.

MSA within 25 miles of facility: 270°—180°—2100'; 180°—270°—2700'.

City, Alton; State, Ill.; Airport name, Civic Memorial; Elev., 541'; Fac. Class., MHW; Ident., ALN; Procedure No. 1, Amdt. 2; Eff. date, 9 Apr. 66; Sup. Amdt. No. 1; Dated, 1 Aug. 64

TOY VOR	ALN RBn	Direct	2200	T-dn	300-1	300-1	200-1/4
Prairie Int.	ALN RBn	Direct	2200	C-dn	600-1	600-1	600-1 1/4
Hartford Int.	ALN RBn	Direct	2200	S-dn-29	600-1	600-1	600-1
Godfrey Int.	ALN RBn	Direct	2200	A-dn\$	800-2	800-2	800-2
Carpenter Int minimums: VOR and ADF receivers required; #							
				C-dn#	500-1	500-1	500-1 1/4
				S-dn-29#	500-1	500-1	500-1

Radar available.

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2200' within 10 miles.

Minimum altitude over Carpenter Int on final approach crs, 1141'.

Facility on airport; crs and distance, Carpenter Int to airport, 280°—4.0 miles; breakoff point to runway, 288°—0.78 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing ALN RBn or 4 miles after passing Carpenter Int, make right turn climbing to 2200' on 100° bearing from ALN RBn within 10 miles, make left turn and return to ALN RBn.

NOTES: (1) Operating VOR/ADF equipment required to identify Carpenter Int. (2) Obtain altimeter setting from STL FSS when control zone not effective.

\$Alternate minimums authorized only during hours control zone is effective.

MSA within 25 miles of facility: 270°—180°—2100'; 180°—270°—2700'.

City, Alton; State, Ill.; Airport name, Civic Memorial; Elev., 541'; Fac. Class., MHW; Ident., ALN; Procedure No. 2, Amdt. 2; Eff. date, 9 Apr. 66; Sup. Amdt. No. 1; Dated, 1 Aug. 64

PROCEDURE CANCELED, EFFECTIVE 9 APR. 1966.

City, Alton; State, Ill.; Airport name, Civic Memorial; Elev., 541'; Fac. Class., MHW; Ident., ALN; Procedure No. 3, Amdt. 1; Eff. date, 1 Aug. 64; Sup. Amdt. No. Orig. Dated, 19 Oct. 63

Nashville VORTAC	LOM	Direct	2500	T-dn	300-1	300-1	200-1/4
Knob Int.	LOM	Direct	2500	C-dn	400-1	500-1	500-1 1/4
Franklin Int.	LOM	Direct	2500	S-dn-2L*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 196° Outbnd, 016° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2100'.

Crs and distance, facility to airport, 016°—5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, climb to 2500' on crs of 016° within 20 miles of airport or, when directed by ATC, turn right, climb to 2500' on R 042°, BNA VORTAC within 20 miles.

CAUTION: Brightly lighted building W of ALS Runway 2L.

Other change: Deletes transition from Nashville RBn.

* Reduction below 1/4 mile not authorized.

MSA within 25 miles of facility: 000°—180°—2400'; 180°—360°—3100'.

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 507'; Fac. Class., LOM (HW); Ident., BN; Procedure No. 1, Amdt. 14; Eff. date, 9 Apr. 66; Sup. Amdt. No. 13; Dated, 6 Mar. 64

RULES AND REGULATIONS

6613

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
EVV VOR.....	OWB RBN.....	Direct.....	2400	T-dn*.....	300-1	300-1	200-1½
CCT VOR.....	OWB RBN.....	Direct.....	2100	C-dn.....	400-1	700-1½	700-1½
Booneville Int.....	OWB RBN.....	Direct.....	2100	S-dn-35.....	400-1	400-1	400-1
Lamar Int.....	OWB RBN.....	Direct.....	2100	A-dn**.....	NA	NA	NA
Nuckols Int.....	OWB RBN (final).....	Direct.....	1800				

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 360°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing OWB RBN, make left turn to 2100' and return to OWB RBN.
NOTE: Obtain Evansville altimeter setting.
*When weather below 1000-3, takeoffs on Runway 5, climb to 1500' on runway heading prior to making turn; takeoffs Runway 35, climb to 1500' on 340° crs before turning right.
**AIR CARRIER NOTE: Alternate minimums of 800-2 apply for those air carriers with weather reporting service.
MSA within 25 miles of facility: 000°-270°—2100'; 270°-360°—2500'.

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County Airport; Elev., 407'; Fac. Class., MHW; Ident., OWB; Procedure No. 1, Amdt. 1; Eff. date, 9 Apr. 66; Sup. Amdt. No. Orig.; Dated, 24 Apr. 65

Freeport Int.....	PW LOM.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1½
Kennebunk VOR.....	Buxton Int.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1½
Buxton Int.....	PW LOM (final).....	Direct.....	1800	S-dn-11**.....	500-1	800-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 202° Outbnd, 112° Inbnd, 2100' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 112°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing PW LOM, make right-climbing turn to 2100' direct PW LOM. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.
**Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—1500'; 180°-270°—2500'; 270°-360°—4000'.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66'; Fac. Class., LOM; Ident., PW; Procedure No. 1, Amdt. 5; Eff. date, 9 Apr. 66; Sup. Amdt. No. 4; Dated, 29 Apr. 66

PROCEDURE CANCELED, EFFECTIVE 9 APR. 1966.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., SABH; Ident., SAT; Procedure No. 2, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 4 Sept. 65

Chester VOR.....	BAF RBN.....	Direct.....	3300	T-d*.....	700-1	700-1	700-1
Westfield VOR.....	BAF RBN.....	Direct.....	2800	T-n*.....	700-2	700-2	700-2
				C-d.....	800-1½	800-1½	800-2
				C-n.....	800-2	800-2	800-2
				S-dn-20.....	800-1½	800-1½	800-1½
				A-dn.....	1500-2	1500-2	1500-2

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 203°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBN, climb straight ahead on crs, 203° to 1500' within 5 miles, then right-climbing turn to 2800' direct BAF RBN. Hold N of BAF RBN, 203° Inbnd, 1-minute right turns.
NOTES: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.
Departures: Runway 9, left turn to 020° and Runway 15, right turn to 210° as soon as practicable after takeoff.
*800' ceiling required for takeoffs on Runways 9 and 15.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2500'; 180°-270°—3000'; 270°-360°—4000'.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270'; Fac. Class., SBMHZ; Ident., BAF; Procedure No. 1, Amdt. 2; Eff. date, 9 Apr. 66; Sup. Amdt. No. 1; Dated, 8 May 65

Bradley Int.....	BD LOM.....	Direct.....	2500	T-dn%.....	300-1	300-1	200-1½
Meadow Int.....	BD LOM.....	Direct.....	3000	C-dn.....	700-1	700-1	700-1½
Bristol Int.....	Penwood Int.....	Direct.....	2700	S-dn-6.....	700-1	700-1	700-1
Penwood Int.....	BD LOM (final).....	Direct.....	1700	A-dn.....	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 058°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing BD LOM, make right-climbing turn to 2500' direct BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute right turns.
NOTES: (1) Penwood Int and Bristol Int may be substituted by a Radar Fix. (2) Final approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 768' obstruction light on hills, 2.4 miles W of airport.
Other change: Deletes transitions from New Britain Int and Tamle Int.
%Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff, to 1500'.
MSA within 25 miles of facility: 000°-270°—2500'; 270°-360°—3000'.

City, Windsor Locks; State, Conn.; Airport name, Bradley Field; Elev., 173'; Fac. Class., LOM; Ident., BD; Procedure No. 1, Amdt. 13; Eff. date, 9 Apr. 66; Sup. Amdt. No. 12; Dated, 7 Sept. 63

RULES AND REGULATIONS

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR.....	ESF VOR.....	Direct.....	1700	T-dn.....	300-1	300-1	200-1/4
AEX RBN.....	ESF VOR.....	Direct.....	1700	C-dn.....	400-1	500-1	500-1 1/4
Boyce Int.....	ESF VOR.....	Direct.....	1700	S-dn-14.....	400-1	400-1	400-1
Larto Int.....	ESF VOR.....	Direct.....	2000	A-dn.....	800-2	800-2	800-2
V-114, V-114N.....	ESF VOR.....	ESF-148.....	1700				
Van Int.....	ESF VOR (final).....	Direct.....	1000				

Radar available.

Procedure turn E side of crs, 331° Outbnd, 151° Inbnd, 1700' within 10 miles.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to airport, 151°—3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing ESF VOR, climb to 1700' on ESF VOR, R 151°, turn left and return to ESF VOR.

MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—1400'; 180°-270°—2800'; 270°-360°—1600'.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Fac. Class., T-BVOR; Ident., ESF; Procedure No. 1, Amdt. 5; Eff. date, 9 Apr. 66; Sup. Amdt. No. 4; Dated, 22 May 65

AEX VOR.....	ESF VOR.....	Direct.....	1700	T-dn.....	300-1	300-1	200-1/4
AEX RBN.....	ESF VOR.....	Direct.....	1700	C-dn.....	400-1	500-1	500-1 1/4
Boyce Int.....	ESF VOR.....	Direct.....	1700	S-dn-32.....	400-1	400-1	400-1
Larto Int.....	ESF VOR.....	Direct.....	2000	A-dn.....	800-2	800-2	800-2
V-114.....	Marks Int.....	AEX 119/ESF 148.....	1700				
Marks Int.....	Cox Int (final).....	Direct.....	1300				

Radar available.

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600' within 10 miles of Cox Int.

Minimum altitude over Cox Int on final approach crs, 1300'.

Crs and distance, Cox Int to airport, 328°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing Cox Int, climb to 1700' and proceed to ESF VOR. Hold NW on ESF, R 331° left turns.

MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—1400'; 180°-270°—2800'; 270°-360°—1600'.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Fac. Class., T-BVOR; Ident., ESF; Procedure No. 2, Amdt. 5; Eff. date, 9 Apr. 66; Sup. Amdt. No. 4; Dated, 13 Nov. 65

AMA VOR.....	ARO VOR.....	Direct.....	5000	T-dn.....	300-1	300-1	300-1
AM LOM.....	ARO VOR.....	Direct.....	5000	C-dn.....	500-1	500-1	500-1 1/4
				A-dn.....	NA	NA	NA

Radar available.

Procedure turn E side of crs, 182° Outbnd, 002° Inbnd, 5100' within 10 miles.

Minimum altitude over facility on final approach crs, 4700'.

Crs and distance, facility to airport, 002°—3.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing ARO VOR, turn left, climb to 6000' on R 352° within 20 miles of ARO VOR.

NOTE: No weather service at airport. Air carrier use not authorized.

CAUTION: Towers, 3929' and 3994'—2.1 miles NE of airport. Silver painted water tower, 3800'—2 miles NW of airport.

MSA within 25 miles of facility: 000°-360°—5400'.

City, Amarillo; State, Tex.; Airport name, Tradewind; Elev., 3642'; Fac. Class., VORW; Ident., ARO; Procedure No. 1, Amdt. 4; Eff. date, 9 Apr. 66; Sup. Amdt. No. 3; Dated, 8 May 65

PROCEDURE CANCELED, EFFECTIVE 9 APR. 1966.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., BVORTAC; Ident., ATL; Procedure No. 1, Amdt. 8; Eff. date, 2 Jan. 65; Sup. Amdt. No. 7; Dated 5 Sept. 64

				T-dn%.....	1500-3	1500-3	1500-3
				C-dn.....	2000-3	2000-3	2000-3
				A-dn.....	2500-4	2500-4	2500-4

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 11,000' within 10 miles. Not authorized beyond 10 miles.

Minimum altitude over facility on final approach crs, 10,500'.

Crs and distance, facility to airport, 067°—8.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing BCE VOR, left-climbing turn, return to VOR and climb to 11,000' on R 260° within 10 miles.

%Takeoff all runways: Climb clear of clouds over the airport to 9100', continue climb direct to BCE VOR, thence climb on crs to MEA.

MSA within 25 miles of facility: 000°-090°—11,900'; 090°-180°—10,400'; 180°-270°—12,400'; 270°-360°—11,400'.

City, Bryce Canyon; State, Utah; Airport name, Bryce Canyon; Elev., 7588'; Fac. Class., BVORTAC; Ident., BCE; Procedure No. 1, Amdt. 4; Eff. date, 9 Apr. 66; Sup. Amdt. No. 3; Dated, 26 Sept. 64

RULES AND REGULATIONS

6615

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d*-----	1000-2	1000-2	1000-2
				T-n*-----	2000-3	2000-3	2000-3
					or	or	or
					BCOB	BCOB	BCOB
				C-d*-----	1000-3	1000-3	1000-3
				C-n*#-----	1000-2	1000-2	1000-2
					2000-3	2000-3	2000-3
					or	or	or
					BCOB	BCOB	BCOB
				A-d*-----	1000-3	1000-3	1000-3
				A-n*#-----	1000-3	1000-3	1000-3
					2000-3	2000-3	2000-3
					or	or	or
					BCOB	BCOB	BCOB
					1000-3	1000-3	1000-3

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2500' within 10 miles.
 Minimum altitude over facility on final approach crs, 2000'.
 Crs from facility to missed approach point, 185°. Descend to 1000' on crs, 185° within 5 miles, then proceed NE, VFR to airport.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, if unable to proceed VFR to airport upon descent to 1000', turn left, and climb to 2000' on R 162° within 20 miles of STT VOR.
 * Any circling for landing or turn after takeoff must be made to the S of airport—circling N of airport not authorized due high terrain.
 # Landing to the W at night not authorized.
 MSA within 25 miles of facility: 000°-180°-2800'; 180°-360°-1700'.
 City, Charlotte Amalie, St. Thomas, V.I.; Airport name, Harry S. Truman; Elev., 11'; Fac. Class., BVOR; Ident., STT; Procedure No. 1, Amdt. 5; Eff. date, 9 Apr. 66; Sup. Amdt. No. 4; Dated, 26 Mar. 66

V-141-----	HYA VOR-----	Via radar vector to within 15 miles final approach crs.	1500	T-dn-----	500-1	500-1	NA
				C-d*-----	800-1	800-1	NA
				C-n*-----	800-2	800-2	NA
				A-dn-----	NA	NA	NA
V-167-----	HYA VOR-----						

Radar required.
 Procedure turn not authorized.
 Minimum altitude over facility on final approach crs, 1500'.
 Crs and distance, facility to airport, 113°-10.2 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing HYA VOR, make a climbing right turn to 1900', return to HYA VOR. Hold S, R 177°, right turns, 1-minute, 357° Inbnd.
 NOTE: Point of visual contact to airport, 4.2 miles.
 CAUTION: 310' antenna, 2 miles SW of airport.
 *If radar inoperative, procedure is not authorized.
 MSA within 25 miles of facility: 000°-360°-1800'.
 City, Chatham; State, Mass.; Airport name, Chatham Municipal; Elev., 66'; Fac. Class., L-BVOR; Ident., HYA; Procedure No. 1, Amdt. 1; Eff. date, 9 Apr. 66; Sup. Amdt. No. Orig.; Dated, 10 Oct. 64

				T-dn%-----	300-1	300-1	200-1½
				C-dn-----	400-1	500-1	500-1½
				S-dn-34-----	400-1	400-1	400-1
				A-dn*-----	800-2	800-2	800-2

Procedure turn W side crs, 180° Outbnd, 360° Inbnd, 7300' within 10 miles. All turns to be made on W side of crs, high terrain to E.
 Minimum altitude over facility on final approach crs, 6000'.
 Crs and distance, facility to airport, 345°-4.3 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing DTA VOR, climb to 7300' on R 348° within 20 miles. All turns W of crs, high terrain E.
 NOTE: Night IFR operations not authorized from 1800-0600 local time.
 *Flight service facility operates from 1300-0100Z. Alternate minimums authorized during these hours only.
 %Takeoff all runways: Climb on the 187° radial of DTA VOR within 15 miles to minimum altitude required for direction of flight.

Direction of flight		MCA
N, V-257-----		6000
N, V-21-----		6000

MSA within 25 miles of facility: 000-090°-10,800'; 090°-180°-11,200'; 180°-270°-8000'; 270°-360°-8300'.
 City, Delta; State, Utah; Airport name, Delta Municipal; Elev., 4755'; Fac. Class., M-BVORTAC; Ident., DTA; Procedure No. 1, Amdt. 7; Eff. date, 9 Apr. 66; Sup. Amdt. No. 6; Dated, 27 Feb. 65

PEQ VOR-----	FST VOR-----	Via PEQ, R 150° and FST, R 283°.	5000	T-dn-----	300-1	300-1	200-1½
				C-dn-----	600-1	600-1	600-1½
				S-dn-----	600-1	600-1	600-1
				A-dn-----	NA	NA	NA

Procedure turn S side of crs, 296° Outbnd, 116° Inbnd, 4500' within 10 miles.
 Minimum altitude over facility on final approach crs, 4000'.
 Crs and distance, facility to airport 116°-3.8 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing GST VOR, turn left, climb to 5000' on R 086° within 20 miles.
 CAUTION: Altimeter setting from Wink FSS.
 MSA within 25 miles of facility: 090°-180°-5600'; 180°-270°-5000'; 270°-090°-4200'.
 City, Fort Stockton; State, Tex.; Airport name, Pecos County; Elev., 3010'; Fac. Class., H-BVORTAC; Ident., FST; Procedure No. VOR 1, Amdt. Orig.; Eff. date, 9 Apr. 66

RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Strathmore Int.....	Porterville VOR.....	Direct.....	3000	T-dn.....	300-1	300-1	200-1/2
Woody Int.....	Ducor Int.....	Direct.....	5000	C-d.....	700-1	700-1	500-1 1/2
Bakersfield VOR.....	Ducor Int.....	Direct.....	3000	C-n.....	700-2	700-2	700-2
Ducor Int.....	Porterville VOR (final).....	Direct.....	2500	A-dn.....	NA	NA	NA

Procedure turn W side of crs, 147° Outbnd, 327° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 327°—6.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing PTV VOR, turn left, climb direct to PTV VOR continuing climb to 3000' in 1-minute holding pattern NW of PTV VOR (143° Inbnd) right turns.

NOTE: Altimeter setting and weather available from Bakersfield FSS.

MSA within 25 miles of facility: 000°-090°—11,000'; 090°-180°—9300'; 180°-270°—1600'; 270°-360°—6100'.

City, Porterville; State, Calif.; Airport name, Porterville Municipal; Elev., 444'; Fac. Class., L-BVOR; Ident., PTV; Procedure No. 1, Amdt. Orig.; Eff. date, 9 Apr. 66

Losoya Int.....	Bellaire Int.....	Direct.....	2300	T-dn.....	300-1	300-1	200-1/2
Bellaire Int.....	Lion Int.....	Direct.....	2300	C-d.....	500-1	500-1 1/2	500-1 1/2
Lion Int.....	Olmos Int (final).....	Direct.....	*1400	C-n.....	500-1 1/2	500-2	500-2
				S-dn-35#.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn not authorized.

Minimum altitude over Lion Int on final approach crs, 2300'; over Olmos Int, 1400'.

Crs and distance, Lion Int to airport, 354°—4.9 miles; Olmos Int to airport, 354°—2.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing Olmos Int, proceed direct to SAT VOR, climb to 3300' on R 353° within 20 miles of VOR or, when directed by ATC, climb to 3300' on bearing 355° from SAT RBN within 20 miles.

*Descent below 1400' not authorized unless position over Olmos Int is identified on final approach.

#Reduction of landing visibility below 1/4 mile not authorized.

MSA within 25 miles of facility: 000°-360°—3100'.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., H-BVORTAC; Ident., SAT; Procedure No. 2, Amdt. 4; Eff. date, 9 Apr. 66; Sup. Amdt. No. 3; Dated, 4 Sept. 65

STP VOR.....	Bonin Int.....	Direct.....	2300	T-dn.....	300-1	300-1	NA
				C-d#.....	600-1	600-1	NA
				C-n#.....	600-2	600-2	NA
				A-dn.....	NA	NA	NA

Radar available.

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2200' within 10 miles of Bonin Int.

Minimum altitude over Bonin Int on final approach crs, 1900'.

Crs and distance, Bonin Int to airport, 046°—3.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing Bonin Int climb on R 226° to the STP VOR, then continue climb to 2500' on R 046° of STP VOR within 10 miles of STP VOR.

#Authorized only for aircraft equipped to receive VOR and ILS simultaneously, or Bonin Int identified by MSP radar.

MSA within 25 miles of facility: 000°-360°—2600'.

City, South St. Paul; State, Minn.; Airport name, South St. Paul Municipal-Richard E. Fleming Field; Elev., 829'; Fac. Class., T-VOR; Ident., STP; Procedure No. 1, Amdt. 2; Eff. date, 9 Apr. 66; Sup. Amdt. No. 1; Dated, 29 Apr. 65

White Bear Int.....	STP VOR.....	Direct.....	2500	T-dn.....	300-1	300-1	NA
FGT VOR.....	STP VOR.....	Direct.....	2500	C-d.....	700-1	700-1	NA
				C-n.....	700-2	700-2	NA
				A-dn.....	NA	NA	NA

Radar available.

Procedure turn N side of crs, 046° Outbnd, 226° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 226°—4.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing STP VOR, climb to 2200' on R 226° of STP VOR within 15 miles.

MSA within 25 miles of facility: 000°-360°—2600'.

City, South St. Paul; State, Minn.; Airport name, South St. Paul Municipal-Richard E. Fleming Field; Elev., 829'; Fac. Class., T-VOR; Ident., STP; Procedure No. 2, Amdt. 2; Eff. Date, 9 Apr. 66; Sup. Amdt. No. 1; Dated, 29 Apr. 65

Lee VHF Int.....	VLD VOR.....	Direct.....	1900	T-dn#.....	300-1	300-1	200-1/2
				C-dn.....	500-1	500-1	500-1 1/2
				S-d-35#.....	400-1	400-1	NA
				S-n-35.....	NA	NA	NA
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1900' within 10 miles.

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 006°—5.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD VOR, turn left, climb to 1900' on R 346° within 20 miles of the VLD VOR.

Notes: (1) No lights on Runways 12-30. Advance notice required for operation of runway lights after 2200'. (2) Night landing not authorized on Runways 35, 3, 9, 12.

Night takeoff not authorized on Runways 17, 27, 21, 30.

CAUTION: Unlighted trees, 1000' from approach end of Runway 35. Trees in all approach areas.

#Reduction not authorized.

MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1500'; 180°-270°—1600'; 270°-360°—1600'.

City, Valdosta; State, Ga.; Airport name, Valdosta Municipal; Elev., 204'; Fac. Class., BVOR; Ident., VLD; Procedure No. 1, Amdt. 14; Eff. date, 9 Apr. 66; Sup. Amdt. No. 13; Dated, 31 July 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	NA
				C-d.....	600-1	600-1	NA
				C-n.....	600-2	600-2	NA
				A-dn.....	NA	NA	NA

Radar available.

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 2900'.

Crs and distance, facility to airport, 152°—5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Milwaukee VOR, make right turn, climb to 2900' and proceed to MKE VOR or, when directed by ATC, make left-climbing turn to 2900' and proceed to MKE VOR.

MSA within 25 miles of facility: 000°—180°—2800'; 180°—270°—2700'; 270°—360°—2400'.

City, Waukesha; State, Wis.; Airport name, Waukesha County; Elev., 909'; Fac. Class., BVORTAC; Ident., MKE; Procedure No. 1, Amdt. 3; Eff. date, 9 Apr. 66; Sup. Amdt. No. 2; Dated, 14 Dec. 63

Salem Int.....	GON VOR.....	Direct.....	2000	T-dn*.....	300-1	300-1	NA
Watch Hill Int.....	GON VOR.....	Direct.....	2000	C-d.....	800-1	800-1	NA
				C-n.....	800-2	800-2	NA
				A-dn.....	NA	NA	NA

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 098°—11.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing GON VOR, make left-climbing turn to 2000' direct GON VOR. Hold NE of GON VOR, right turns, 1 minute, 241° Inbnd.

NOTE: Distance from point of visual contact to airport, 5.3 miles.

CAUTION: 366' water tank, 0.5 mile SW of runway 25.

*Takeoff minimums of 500-1 required for Runway 25.

MSA within 25 miles of facility: 000°—360°—1800'.

City, Westerly; State, R.I.; Airport name, Westerly State; Elev., 81'; Fac. Class., T-BVOR; Ident., GON; Procedure No. 1, Amdt. 1; Eff. date, 9 Apr. 66; Sup. Amdt. No. Orig.; Dated, 17 Oct. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lamar Int.....	VOR.....	Direct.....	2100	T-dn*.....	300-1	300-1	200-1½
Booneville Int.....	VOR.....	Direct.....	2100	C-dn.....	500-1	700-1½	700-1½
				S-dn-5.....	500-1	500-1	500-1
				A-dn**.....	NA	NA	NA
EVV VOR.....	VOR.....	Direct.....	2400	ADF minimums:	ADF equipment required:‡		
CCT VOR.....	VOR.....	Direct.....	2100	C-dn#.....	400-1	700-1½	700-1½
Onton Int.....	Panther Int (final).....	Direct.....	1800	S-dn-5#.....	400-1	400-1	400-1

Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 2100' within 10 miles.

Minimum altitude over Panther Int on final approach crs, 907'.

Distance, Panther Int to end of Runway 05, 3.6 miles; to VOR, 3.9 miles.

Crs and distance, breakoff point to end of runway, 049°—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OWB VOR, climb to 2100' on crs of 039° within 10 miles make left turn and return to VOR.

**AIR CARRIER NOTE: Alternate minimums of 800-2 apply for those air carriers with weather reporting service.

NOTE: Obtain Evansville altimeter setting.

CAUTION: 803' tower, 1.5 miles N; 827' tower, 2.2 miles E.

*When WX below 1000-3, takeoffs Runway 5, climb to 1500' on runway heading prior to making turn, takeoffs Runway 35, climb to 1500' on 340° crs before turning right.

MSA within 25 miles of facility: 000°—270°—2100'; 270°—360°—2500'.

City, Owensboro; State, Ky.; Airport name, Owensboro-Davless County; Elev., 407'; Fac. Class., T-BVOR; Ident., OWB; Procedure No. TerVOR-5, Amdt. 3; Eff. date, 9 Apr. 66; Sup. Amdt. No. 2; Dated, 24 Apr. 65

RULES AND REGULATIONS

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lamar Int.	VOR	Direct	2100	T-dn*	300-1	300-1	200-1/2
Booneville Int.	VOR	Direct	2100	C-dn	500-1	700-1 1/2	700-1 1/2
EVV VOR	VOR	Direct	2400	S-dn-35@	500-1	500-1	500-1
CCT VOR	VOR	Direct	2100	A-dn**	NA	NA	NA
CCT VOR	Nuckols Int.	Direct	2100	ADF minimums: ADF equipment required:†	400-1	700-1 1/2	700-1 1/2
Nuckols Int.	OWB RBN (final)	Direct	1800	S-dn-35#@	400-1	400-1	400-1

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 1800' within 10 miles.
Minimum altitude over RBN on final approach crs, 907'.
Crs and distance, breakoff point to end of Runway 35, 354°—0.2 mile.
Distance, RBN to end of Runway 35—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OWB VOR, climb to 1800' on crs, 001° within 10 miles, make left turn and return to VOR.
**AIR CARRIER NOTE: Alternate minimums of 800-2 apply for those air carriers with weather reporting service.
NOTE: Obtain Evansville altimeter setting.
CAUTION: 803' tower, 1.5 miles N; 827' tower, 2.2 miles E.
*When WX below 1000-3, takeoffs Runway 5, climb to 1500' on runway heading prior to making turn; takeoffs Runway 35, climb to 1500' on 340° crs before turning right.
†Reduction not authorized for nonstandard condenser discharge approach lights.
MSA within 25 miles of facility: 000°-270°—2100'; 270°-360°—2500'.

City, Owensboro; State, Ky.; Airport name, Owensboro-Daviess County; Elev., 407'; Fac. Class., T-BVOR; Ident., OWB; Procedure No. TerVOR-35, Amdt. 3; Eff. date, 9 Apr. 66; Sup. Amdt. No. 2; Dated, 24 Apr. 65

Chester VOR	BAF VOR	Direct	3300	T-d*	700-1	700-1	700-1
Skylark Int.	BAF VOR	Direct	3000	T-n*	700-2	700-2	700-2
				C-dn	1500-2	1500-2	1500-2
				S-dn-20	NA	NA	NA
				A-dn	1500-2	1500-2	1500-2
				After passing BAF RBN:			
				C-d	800-1 1/2	800-1 1/2	800-2
				C-n	800-2	800-2	800-2
				S-dn-20	800-1 1/2	800-1 1/2	800-1 1/2

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1770'; after passing BAF RBN, 1070'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over BAF VOR or 4.8 miles after passing BAF RBN, climb straight ahead on R 203° to 1500' within 5 miles, then right-climbing turn to 2800' direct BAF VOR. Hold N of BAF VOR, 1-minute right turns, 203° Inbnd.
NOTE: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.
Departures: Runway 9, left turn to 020° and Runway 15, right turn to 210° as soon as practicable after takeoff.
*800' ceiling required for takeoffs on Runways 9 and 15.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2500'; 180°-270°—3000'; 270°-360°—4000'.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270'; Fac. Class., BVOR; Ident., BAF; Procedure No. TerVOR-20, Amdt. 4; Eff. date, 9 Apr. 66; Sup. Amdt. No. 3; Dated, 1 Feb. 64

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15.5-mile DME Fix, R 238°	8-mile DME Fix, R 288° (final)	Direct	2500	T-dn	300-1	300-1	#200-1/2
				C-dn*	500-1	500-1	500-1 1/2
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Aircraft must (1) proceed from Commodore Int or (2) be radar vectored to final approach crs, 108°.
Minimum altitude over 8-mile DME Fix, R 288°—2500'; 6-mile DME Fix, R 288°—1500'; VOR, 500'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OAK VOR, climb to 2500' on OAK VOR, R 114° to 12-mile DME Fix, R 114° (Decoto Int).
CAUTION: Extensive Navy jet operations between 8-mile DME Fix and 6-mile DME Fix, R 288°, Navy Alameda.
#300-1 required for takeoff on Runway 33.
*700' ceiling required for circling to Runway 15 due to 362' tank, 1.6 miles N of Runways 15/33.
MSA within 25 miles of facility: 000°-090°—4900'; 090°-180°—4200'; 180°-270°—3000'; 270°-360°—3000'.

City, Oakland; State, Calif.; Airport name, Metropolitan Oakland International; Elev., 6'; Fac. Class., BVORT AC; Ident., OAK; Procedure No. VOR/DME No. 2, Amdt. 4; Eff. date, 9 Apr. 66; Sup. Amdt. No. 3; Dated, 23 Oct. 65

RULES AND REGULATIONS

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5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nashville VORTAC.....	LOM.....	Direct.....	2500	T-dn.....	300-1	300-1	200-1½
Knob Int.....	LOM.....	Direct.....	2500	C-dn.....	400-1	500-1	500-1½
Franklin Int.....	LOM.....	Direct.....	2500	S-dn-2L*.....	200-1½	200-1½	200-1½
				A-dn.....	600-2	600-2	600-2

Radar available.

Procedure turn E side S crs, 196° Outbnd, 016° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at OM, 2100'—5 miles; at MM, 817'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, climb to 2500' on N crs, ILS (016°) within 20 miles of airport or, when directed by ATC, turn right, climb to 2500' on R 042°, BNA VORTAC within 20 miles.

CAUTION: Brightly lighted building W of ALS Runway 2L.

*400-¾ required when glide slope not utilized. Reduction not authorized.

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Fac. Class., ILS; Ident., I-BNA; Procedure No. ILS-2L, Amdt. 14; Eff. date, 9 Apr. 66; Sup. Amdt. No. 13; Dated, 7 Mar. 64

				T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-27.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar required.

Procedure turn not authorized.

Minimum altitude over Camden Int final approach crs, 1400'.

Crs and distance, Camden Int to airport, 265°—4.7 miles. Breakoff point to runway not authorized.

No glide slope.

Altitude of glide slope and distance to approach end of runway at OM, not authorized; at MM, not authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Camden Int, climb to 1000' on crs, 265°, then left-climbing turn direct to Woodstown VOR at 2000'. Hold SW, R 211°, 031° Inbnd, 1-minute left turns.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14'; Fac. Class., ILS; Ident., I-PHL; Procedure No. ILS-27 (back crs), Amdt. Orig.; Eff. date, 9 Apr. 66

Bradley Int.....	BD LOM.....	Direct.....	2500	T-dn%.....	300-1	300-1	*200-1½
Meadow Int.....	BD LOM.....	Direct.....	3000	C-dn.....	500-1	500-1	500-1½
Bristol Int.....	Penwood Int.....	Direct.....	2700	S-dn-6**.....	200-1½	200-1½	200-1½
Penwood Int.....	BD LOM (final).....	Direct.....	1700	A-dn.....	600-2	600-2	600-2
				With glide slope inoperative:			
				C-dn.....	700-1	700-1	700-1½
				S-dn-6#.....	700-1	700-1	700-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2500' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 1700'.

Altitude of glide slope and distance to approach end of runway at OM, 1671'—4.5 miles; at MM, 416'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing BD LOM, climb to 3000' on NE crs of ILS to CTR/VOR, R 149°, then SE on ORW/VOR, R 330° to Skylark Int. Hold E of Skylark Int, right turns, 1 minute, 276° Inbnd.

NOTES: (1) Penwood Int and Bristol Int may be substituted by a Radar Fix. (2) Final approach from a holding pattern not authorized. Procedure turn required.

CAUTION: 768' obstruction light on hills, 2.4 miles W of airport.

Other change: Deletes transitions from New Britain Int and Tangle Int.

%Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff, to 1500'.

*RVR 2400' authorized for Runway 6.

**RVR 2400'. Descent below 373' not authorized unless approach lights are visible.

#700-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights, 700-1½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Windsor Locks; State, Conn.; Airport name, Bradley Field; Elev., 173'; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-6, Amdt. 15; Eff. date, 9 Apr. 66; Sup. Amdt. No. 14; Dated, 7 Sept. 63

Putnam VOR.....	Redstone Int.....	Direct.....	3000	T-dn%.....	300-1	300-1	*200-1½
Redstone Int.....	Thompson Int (final).....	Direct.....	1900	C-dn.....	500-1	500-1	500-1½
Bradley Int.....	DL LMM.....	Direct.....	2700	S-dn-24#.....	400-1	400-1	400-1
Bristol Int.....	DL LMM.....	Direct.....	2700	A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn S side of crs, 058° Outbnd, 238° Inbnd, 2700' within 13 miles of DL LMM, but NE of Thompson Int.

Minimum altitude over Thompson Int on final approach crs, 1900'.

Crs and distance, Thompson Int to airport, 238°—5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Thompson Int, climb straight ahead to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute right turns.

NOTE: Redstone Int and Thompson Int may be substituted by a Radar Fix.

CAUTION: 768' obstruction light on hills, 2.4 miles W of airport.

*RVR 2400' authorized for Runway 6.

#400-¾ authorized except for 4-engine turbojet aircraft with operative high-intensity runway lights.

%Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff, to 1500'.

City, Windsor Locks; State, Conn.; Airport name, Bradley Field; Elev., 173'; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-24 (back crs), Amdt. 4; Eff. date, 9 Apr. 66; Sup. Amdt. No. 3; Dated, 14 Nov. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
				Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
Within 5 miles: 012°-238°-1800'; 238°-012°-2200'.	Within 20 miles: 012°-148°-2700'; 148°-238°-2500'.	Within 35 miles: 012°-058°-2800'; 058°-148°-2700'; 148°-192°-2500'.	Within 50 miles: 012°-058°-2800'; 058°-148°-2700'; 148°-192°-2500'.	T-dn%-----	300-1	300-1	200-1½
Within 10 miles: 012°-192°-2000'; 192°-238°-2500'.	Within 25 miles: 012°-148°-2700'; 148°-238°-2500'.	Within 40 miles: 012°-058°-2800'; 058°-148°-2700'; 148°-192°-2500'.	Within 55 miles: 012°-058°-2800'; 058°-148°-2700'; 148°-192°-2500'.	C-du-----	500-1	500-1	500-1½
Within 15 miles: 012°-058°-2200'; 058°-148°-2000'; 148°-238°-2500'.	Within 30 miles: 012°-148°-2700'; 148°-238°-2500'.	Within 45 miles: 012°-058°-2800'; 058°-148°-2700'; 148°-192°-2500'.	Within 60 miles: All directions, 5300'.	S-dn-1, 33, 19, and 24.*	400-1	400-1	400-1
				A-du-----	800-2	800-2	800-2

All bearings are from radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 1: Make a climbing left turn to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute right turns. Runways 19 and 33: Make a climbing right turn to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute right turns. Runway 24: Climb straight ahead to 2500' direct to BD LOM. Hold SW of BD LOM, 058° Inbnd, 1-minute right turns.

CAUTION: 768' obstruction light on hills, 2.4 miles W of airport.

*400-¾ authorized for Runway 24 except for 4-engine turbojet aircraft with operative high-intensity runway lights.

%Departures from Runway 33, make a right turn to 350°, as soon as practicable after takeoff, to 1500'.

City, Windsor Locks; State, Conn.; Airport name, Bradley Field; Elev., 173'; Fac. Class., and Ident., Bradley Radar; Procedure No. 1, Amdt. 2; Eff. date, 9 Apr. 66; Sup. Amdt. No. 1; Dated, 14 Nov. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 755)

Issued in Washington, D.C., on March 4, 1966.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-4929; Filed, May 3, 1966; 9:15 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-462]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1966.

By Order E-23350, adopted March 11, 1966, in the Supplemental Air Service Proceeding, Docket 13795 et al., the Board adopted and issued concurrently therewith Revised Part 208 of the Board's Economic Regulations,¹ which contains all the regulatory provisions pertaining to the domestic charter operations of the supplemental air carriers certificated under section 401 of the Federal Aviation Act, except those rules applicable to inclusive tour charters.² In its opinion on reconsideration in the Supplemental proceeding,³ the Board has determined, for the reasons set forth therein, to amend Revised Part 208 in a number of respects. The discussion

of these amendments, which normally accompanies the amended rule, is contained in the aforesaid opinion.⁴

For the reasons set forth in Regulation ER-454, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest. Accordingly, the Board hereby amends Revised Part 208 of its Economic Regulations (14 CFR Part 208), effective May 13, 1966, in the following respects:

1. By deleting §§ 208.204, 208.216, and 208.303 from the Table of Contents and revising certain titles of the remainder thereof to read as follows, and by adding new section 208.103:

Sec.

208.34	Record retention.
208.103	Tariffs and terms of service.
208.301	Tariffs and terms of service.
208.302	Commissions paid to travel agents.

2. By revising § 208.3a to read as follows:

§ 208.3a Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less

than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

3. By deleting § 208.34(a) so that § 208.34 reads as follows:

§ 208.34 Record retention.

Each carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

4. By revising § 208.35(c) to read as follows:

§ 208.35 Payments, gratuities and donations.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 208.202 and 208.302) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g.,

¹ Regulation No. ER-454.

² Inclusive tour charters are governed by Part 378 of the Board's Special Regulations.

³ Order E-23600, adopted on Apr. 29, 1966.

⁴ Id., pp. 6-8.

canvas traveling bag or a money exchange computer).

5. By adding new § 208.103 which reads as follows:

§ 208.103 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be applicable.

6. By revising § 208.201 to read as follows:

§ 208.201 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208.⁵ The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 208.215.

7. By deleting § 208.204.

8. By deleting § 208.214(b) so that § 208.214 reads as follows:

§ 208.214 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be paid separately for air transportation, for the land tour, and for the administrative expenses of the charterer.

9. By revising § 208.215 to read as follows:

§ 208.215 Passenger manifests.

Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of persons to be transported in interstate or overseas air transportation.

10. By deleting § 208.216.

11. By revising § 208.301 to read as follows:

§ 208.301 Tariffs and terms of service.

The provisions of § 208.32 shall apply to charters under this subpart except that paragraphs (e) and (f) and the second sentence of paragraph (b) of such section shall not be so applicable.

12. By deleting § 208.302 and redesignating § 208.303 (Commissions paid to travel agents) as § 208.302.

13. By deleting the forms (Statement of Supporting Information and Post Flight Report) attached to the regulation.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n), 407, and 417, Federal Aviation Act of 1958, as

⁵ Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C., 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

amended; 76 Stat. 143; 49 U.S.C. 1371(d)(3); 76 Stat. 144; 49 U.S.C. 1371(n); 72 Stat. 766; 49 U.S.C. 1377; 76 Stat. 145; 49 U.S.C. 1387; and sec. 7 of Public Law 87-528, 76 Stat. 146)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-4853; Filed, May 3, 1966;
8:48 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-15]

**PART 378—INCLUSIVE TOURS BY
SUPPLEMENTAL AIR CARRIERS AND
TOUR OPERATORS**

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1966.

By Order E-23350, adopted March 11, 1966, in the Supplemental Air Service Proceeding, Docket 13795 et al., the Board adopted and issued concurrently therewith new Part 378 of the Board's Special Regulations,¹ which contains the provisions governing the operation of inclusive tour charters. In its order on reconsideration in the Supplemental proceeding,² the Board determined, inter alia, to amend Part 378 so as to delete any verification requirements imposed therein. This action was prompted by the belief that such requirements are unnecessary in view of 18 U.S.C. 1001, which imposes criminal punishment for false statements made in documents such as those required under Part 378. The Board also decided on reconsideration to amend § 378.2(d) so as to preclude all direct air carriers, rather than supplementals alone, from acting as tour operators.

For the reasons set forth in Regulation SPR-14, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest. Accordingly, the Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378), effective May 13, 1966, in the following respects:

1. By revising § 378.2(d) to read as follows:

§ 378.2 Definitions.

(d) "Tour operator" means any person (other than a direct air carrier) authorized hereunder to engage in the formation of groups for transportation on inclusive tours.

2. By revising § 378.11(b) to read as follows:

§ 378.11 Procedure for obtaining a Statement of Authorization.

(b) The application shall be signed by a duly authorized officer of both the supplemental air carrier and the tour operator and shall include the State-

¹ Regulation SPR-14.

² Order E-23600, adopted on Apr. 29, 1966.

ment of Tour Operator's Qualifications and the Tour Prospectus.³ In the event of any change in the facts as reflected in the application, an amended application shall be filed no later than five (5) days following such change.

3. By revising § 378.12 to read as follows:

§ 378.12 Statement of Tour Operator's Qualifications.

The Statement of Tour Operator's Qualifications shall be in the form set forth in the Appendix. A tour operator who has filed a Statement of Tour Operator's Qualifications in connection with one application may, with respect to subsequent applications, file a statement to the effect that the facts contained in his previously filed Statement of Qualifications have not changed, except as set forth in the later statement.

4. By revising § 378.18(a) to read as follows:

§ 378.18 Procedure applicable to periods on or after January 1, 1968.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1968, shall be operated, nor shall any tour operator sell or offer to sell, solicit or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be over 180 days. The Tour Prospectus shall be filed at least 60 days before the commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

5. By revising § 378.20(a) to read as follows:

§ 378.20 Post tour reporting.

(a) Within 30 days after completion of a tour or in the case of a series of tours, the last of the series, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post tour report. This report shall indicate whether or not the tours as authorized hereunder were, in fact, performed. To the extent that the operations differed from those authorized under § 378.11 or described in the Prospectus filed under § 378.18, such differences

³ Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

6. By deleting page 1 of the Appendix (Verification form).

(Secs. 101(3), 204(a), 401, 409, and 414 Federal Aviation Act of 1958, as amended (72 Stat. 737; 49 U.S.C. 1301; 72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 754 as amended by 76 Stat. 143; 49 U.S.C. 1371; 72 Stat. 768; 49 U.S.C. 1379; 72 Stat. 770; 49 U.S.C. 1384) and sec. 7 of Public Law 87-528 (76 Stat. 146; 49 U.S.C. 1371))

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-4852; Filed, May 3, 1966;
8:48 a. m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETIVE REGULATIONS

Porous-Tip Ink-Marking Devices; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt certain porous-tip ink-marking devices from the special labeling required because of their ethylene glycol content. Although the ink in these articles contains more than 10 percent by weight of ethylene glycol, and therefore under § 191.7 (a) (3) and (b) (4) of the hazardous substances regulations special labeling would be required, the petitioner represents that such labeling is unnecessary since the article contains only a small quantity of the chemical, there is no free liquid in the article, and the ink will only emerge through the porous writing nib.

On the basis of the information supplied to him by the petitioner and other relevant information, the Commissioner has concluded that compliance with § 191.7(b)(4) is unnecessary for the adequate protection of the public health and safety. Accordingly, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner (21 CFR 2.120; 31 F.R. 3008), § 191.63(a) is amended by changing the introduction to subparagraph (9) and subdivision (i) of subparagraph (9) to read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) * * *

(9) Porous-tip ink-marking devices are exempt from the labeling requirements of section 2(p) (1) of the act and § 191.7(b) (3) (ii) and (iii) and (4) insofar as such requirements would be necessary because the ink contained therein is a toxic substance as defined in § 191.1 (f) (1); and/or because the ink contains 10 percent or more by weight of toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates as defined in § 191.7(a) (4); and/or because the ink contains 10 percent or more by weight of ethylene glycol: *Provided*, That:

(i) The porous-tip ink-marking devices are of such construction that the ink is held within the device by an absorbent material so that there is no free liquid within the device, and under any reasonably foreseeable conditions of manipulation and use including reasonably foreseeable abuse by children, the ink will emerge only through the porous writing nib of the device; and

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: April 27, 1966.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-4818; Filed, May 3, 1966;
8:45 a. m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Biscayne Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.172 is hereby amended, revising the caption; revoking paragraph (a) and modifying paragraphs (b)(1) and (d) effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.172 Biscayne Bay, Fla.; Seaplane Operating Area, Coast Guard, Miami, Fla.

(a) [Revoked].

(b) *The seaplane operating area.*—(1) *The area.* Beginning at Dinner Key Seaplane Channel Approach Light 2; thence 54° for approximately 9,900 feet to Biscayne Bay Range Three Front Light C; thence 178° for approximately 4,350 feet to Biscayne Bay Range Three Rear Light; thence 182° for approximately 12,750 feet to Southwest Point Daybeacon 26; thence 270° for approximately 13,500 feet to a position in Biscayne Bay at latitude 25°41'24", longitude 80°13'30"; thence 30° for approximately 9,900 feet to Dinner Key Channel Light 1; and thence 21° for approximately 3,050 feet to the point of beginning.

NOTE: All bearings are referred to true meridian.

(d) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, U.S. Coast Guard Base, Miami Beach, Fla., and such agencies as he may designate.

(Regs., Apr. 15, 1966, 1507-32 (Biscayne Bay, Fla.)-ENGW-ON; Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-4812; Filed, May 3, 1966;
8:45 a. m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Departmental Reg. 108.531]

MISCELLANEOUS AMENDMENTS TO CHAPTER

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811), as amended, 41 CFR Chapter 6 is amended as follows:

PART 6-1—GENERAL

Subpart 6-1.1—Introduction

1. The following sections are amended to reflect new organizational titles:

§ 6-1.109 Control of deviations.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR System shall be kept to a minimum and controlled as follows:

(a) Requests for deviations from the FPR and from the DOSPR, in individual cases and in classes of cases, shall be submitted by memorandum. A statement setting forth the nature of the deviation and the reasons for the special action sought shall be included with the request, and a copy thereof shall be included in the contract file.

(b) Deviations from the FPR and the DOSPR, in individual cases, and from the DOSPR, in classes of cases, may be authorized by the Chief, Supply and Trans-

portation Services Division or his designee, or, in foreign buildings procurement operations, by the Director, Office of Foreign Buildings or his designee.

(c) Deviations from the FPR in classes of cases will be considered jointly by the Department of State and the General Services Administration (GSA) unless circumstances preclude such effort. In such case, the Chief, Division of Supply and Transportation Services or the Director, Office of Foreign Buildings, as appropriate, will approve such class deviations as he determines necessary and will notify GSA of such action.

Subpart 6-1.3—General Policies

§ 6-1.302-3 Procurement from employees of the Government.

No procurement of supplies, equipment or services may be made from any employee of the Government through contract, purchase order or any other method of procurement, except where a service or product is not otherwise obtainable and such a determination is made in writing by the principal officer or the Chief, Supply and Transportation Services Division and retained as a part of the procurement file.

2. Contents of Subpart 6-1.6 is amended as follows:

Subpart 6-1.6—Debarred and Ineligible Bidders

Sec.
6-1.601 Purpose.
6-1.602 Department of State procedure for administrative debarment.

3. Subpart 6-1.6 is amended to read as follows:

Subpart 6-1.6—Debarred and Ineligible Bidders

§ 6-1.601 Purpose.

This subpart prescribes the procedures for administrative debarments.

§ 6-1.602 Department of State procedure for administrative debarment.

(a) Administrative debarment may be initiated by any Contracting Officer of the Department.

(b) The recommendation for debarment together with a statement of the causes or conditions (§ 1-1.605 of this title), the suggested term of debarment and documentary evidence to support the recommendation will be submitted to the Chief, Supply and Transportation Services Division. If concurred in, the recommendation will be forwarded through the legal advisor to the Deputy Under Secretary of State for Administration for final decision and return to the Chief, Supply and Transportation Services Division.

4. The following sections are amended to reflect new organizational titles:

Subpart 6-1.9—Reporting Possible Antitrust Violations

§ 6-1.901 General.

Reports of possible antitrust violations shall be forwarded by contracting officers of the Department to the Supply and Transportation Services Division in

Washington. These reports shall include the documents and additional information required pursuant to §§ 1-1.902 and 1-1.903 of this title.

PART 6-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 6-2.4—Opening of Bids and Award of Contract

§ 6-2.406 Mistakes in bids.

(a) The Deputy Under Secretary for Administration is authorized to make the determinations under FPR 1-2.406-3 and 1-2.406-4 which shall be approved by the Legal Advisor's Office.

(b) In doubtful cases under FPR 1-2.406-3(e) or where an administrative determination is precluded by the limitations of FPR 1-2.406-4, a request for the decision of the Comptroller General will be submitted by the Supply and Transportation Services Division through the Legal Advisor's Office.

§ 6-2.407-8 Protests against award.

(a) While a case involving a protest before award is pending in the office of the Comptroller General, no award may be made under FPR 1-2.407-8(b)(3) without the prior approval of the Chief, Supply and Transportation Services Division, or, in the case of overseas posts, the Principal Officer of the post. The request for approval will include complete documentation of the determination to make the award.

(b) The Chief, Supply and Transportation Services Division (or the Principal Officer), shall notify the Comptroller General of the intent to make the award and request advice as to the status of the case. A copy of such notice shall be given to the Contracting Officer. The Chief, Supply and Transportation Services (or the Principal Officer), shall notify the Contracting Officer of his approval or disapproval of the determination to make award.

(c) When a written protest is lodged with the Contracting Officer after award, the Contracting Officer will furnish the protestor a written explanation of the basis for the award.

PART 6-3—PROCUREMENT BY NEGOTIATION

5. Contents of Part 6-3 is amended as follows:

Sec.
6-3.000 Scope of part.

Subpart 6-3.1—Use of Negotiation

6-3.101 General requirements for negotiation outside the United States.

Subpart 6-3.2—Circumstances Permitting Negotiation

6-3.210 Impracticable to secure competition by formal advertising.

Subpart 6-3.3—Determinations, Findings, and Authorities

6-3.301 Scope of subpart.
6-3.302 Determinations and findings required.

Sec.
6-3.305 Form and requirements of determinations and findings.
6-3.308 Preservation of data.

Subpart 6-3.4—Types of Purchases

6-3.405-3 Letter contract.

Subpart 6-3.6—Small Purchases

6-3.604 Imprest funds (petty cash) method.
6-3.604-3 Agency responsibilities.
6-3.605 Order-Invoice-Voucher.
6-3.605-1 Standard Form 44.
6-3.605-2 Standard Forms 147 and 148.
6-3.605-50 Foreign Service Forms 455 and 455a.
6-3.606 Blanket purchase arrangements.
6-3.606-5 Agency implementation.

Subpart 6-3.8—Price Negotiation Policies and Techniques

6-3.814 Contract clauses.

6. New Subpart 6-3.3 is added as follows:

Subpart 6-3.3—Determinations, Findings, and Authorities

§ 6-3.301 Scope of subpart.

(a) Formal written findings and determinations (F&D) shall be made in accordance with Subpart 1-3.3 of Part 1-3 of this title and this subpart.

§ 6-3.302 Determinations and findings required.

(a) F&D made under the following sections of this title are to be prepared for the signature of the Deputy Under Secretary of State for Administration and submitted for review through the Chief, Supply and Transportation Services Division:

(1) Experimental, developmental, or research work in excess of \$25,000 under FPR 1-3.211.

(2) Purchase not to be publicly disclosed for reasons of national security under FPR 1-3.212.

(3) Technical equipment requiring standardization and interchangeability of parts under FPR 1-3.213.

(b) F&D made under the following sections of this title are to be prepared for the signature of the Chief, Supply and Transportation Services Division:

(1) Experimental, developmental, or research work not exceeding \$25,000 under FPR 1-3.211.

(2) The use of a cost, cost-plus-a-fixed-fee, or incentive-type contract outside the United States under FPR 1-3.405-1.

(c) Authority to make F&D under the following sections of this title is delegated to the contracting officers and shall be executed by such contracting officers within the contracting authority delegated to them:

(1) National emergency under FPR 1-3.201.

(2) Public exigency under FPR 1-3.202.

(3) Impracticable to secure competition by formal advertising under FPR 1-3.210.

(4) The rejection of all bids and negotiation after advertising under FPR 1-3.214.

(5) The use of a cost, cost-plus-a-fixed-fee, or incentive-type contract within the United States under FPR 1-3.405-1.

(6) The estimated cost and fees to be paid under a cost-plus-a-fixed-fee contract as required by FPR 1-3.302(a).

(7) The authorization and approval of advance payments under FPR 1-30.405 and unusual progress payments under 1-30.505(a).

(8) The waiving of the requirement for submission of cost and pricing data under FPR 1-3.807-3(b) (2) and waiving the use of the clauses in FPR 1-3.814-1 through 1-3.814-3.

§ 6-3.305 Form and requirements of determinations and findings.

(a) Each F&D shall include a description of the property or services being procured and, except for class determinations, the estimated cost including, when applicable, statement of the fee. The findings shall include all facts which are relevant to the determination or determinations being made. The extent of competition and potential sources shall be shown or, if no competition is intended, the basis for the decision. The reasons for selecting a particular method of contracting must be explained.

(b) The determination or determinations must be a clear and concise statement of the decision reached and must clearly identify the specific individual purchase or contract.

(c) Class determinations may be made for a period not in excess of 6 years and shall be reviewed annually.

§ 6-3.308 Preservation of data.

(a) The original of class F&D under 6-3.302(a) (3) will be retained by the Chief, Supply and Transportation Services Division with facsimile copies to the preparing office and contracting officer.

(b) The originals of all other F&D with supporting documents shall be filed in the procurement office contract file. Overseas posts shall file one copy of the F&D with the General Accounting Office copy of the contract.

Subpart 6-3.4—Types of Purchases

7. The following section is amended to reflect a new organizational title:

§ 6-3.405-3 Letter contract.

(a) Prior to the execution of a letter contract (FPR 1-3.405-3), the Chief, Supply and Transportation Services Division, or, in the case of overseas posts, the Principal Officer of the post, shall determine in writing that no other type of contract is suitable. The determination shall establish the limit of effectiveness of the letter contract; i.e., the date by which the definitive contract will be entered into. This date shall not be more than 90 days from the date of the letter contract or the completion of 25 percent of the production of the supplies or the performance of the work called for under the contract, whichever occurs first.

(b) The maximum liability under a letter contract shall not exceed 50 per-

cent of the total estimated contract price.

8. New Subpart 6-3.8 is added as follows:

Subpart 6-3.8—Price Negotiation Policies and Techniques

§ 6-3.814 Contract clauses.

Requests for waivers from the inclusion of the clauses in contracts with foreign governments or agencies thereof shall be submitted with complete justification to the Chief, Supply and Transportation Services Division, in accordance with FPR 1-3.814-1(c), 1-3.814-2(d), and 1-3.814-3(c).

PART 6-5—SPECIAL AND DIRECTED SOURCES

Subpart 6-5.50—Special and Directed Sources of Supply

9. Section 6-5.5001 is amended to read as follows:

§ 6-5.5001 Motorized transportation equipment.

Motorized transportation equipment such as, but not limited to, automobiles, trucks, jeeps, and boats shall not be procured without the prior approval of the Department. Requests for approval along with justification shall be submitted to OPR/ST.

PART 6-7—CONTRACT CLAUSES

Subpart 6-7.1—Fixed-Price Supply Contracts

10. The following sections are amended to reflect organizational changes:

§ 6-7.101-12 Disputes.

(a) The disputes clause in § 1-7.101-12 of this title will be incorporated in all contracts and grant agreements awarded and performed within the United States, or awarded to U.S. Nationals but performed outside of the United States, or performed outside of the United States by persons or business entities which have a place of business within the United States. Appeals resulting from disputes under this clause will be handled in accordance with Part 6-60 of this chapter.

(b) Contracts other than those cited in § 6-7.101-12(a) will incorporate the following disputes clause:

DISPUTES

(a) Except as otherwise provided in this contract, any dispute arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Deputy Under Secretary of State for Administration whose decision shall be final and conclusive. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of

the contract and in accordance with the Contracting Officer's decision.

(b) Within 30 days after receipt of a notice of appeal received under the disputes clause in 6-7.101-12(b), the Contracting Officer will submit the notice of appeal and the contract file, including the documents specified in 6-60.303-2, to the Deputy Under Secretary of State for Administration, attention L/O, for decision.

PART 6-11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 6-11.2—Exemptions From Federal Excise Taxes

§ 6-11.205 Exemptions from other Federal taxes.

(a) With respect to motor vehicles purchased by the Department of State or the U.S. Information Agency for use by such agencies in foreign countries, the Secretary of the Treasury has granted an exemption from the federal excise tax imposed by 26 U.S.C. 4061(a) provided such vehicles are exported from the United States by such agencies within a period of 6 months from the date of delivery of such vehicles to the agencies, notwithstanding any use made by such agencies of the vehicles within the United States during the 6-month period. The contract for sale of such vehicles must include a statement to the effect that the sale of the vehicles is made for the exclusive use of the United States and qualifies for the exemption under order of the Secretary of the Treasury dated May 6, 1964 (29 F.R. 6254). The manufacturers must be furnished proof of export within 6 months after the sale.

(b) Taxable articles purchased for presentation abroad as gifts to foreign dignitaries and taxable articles purchased for presentation as gifts to foreign dignitaries visiting in the United States but which are almost immediately taken out of the United States may be exempt from any retailers or manufacturers excise taxes in accordance with letter of October 18, 1963 from Chief, Excise Tax Branch, Internal Revenue Service on file in Supply and Transportation Services Division.

(c) With respect to purchases from vendors in the United States for export to a Foreign Service Post, the following statement will be included in purchase orders for items subject to excise taxes:

This is to certify that the item(s) covered by this purchase order is/are for export solely for the use of the American Foreign Service post shown above. It is, therefore, requested that the extra signed copy of the purchase order furnished herewith be accepted as evidence of intent to export. Final proof of exportation may be obtained from the U.S. Despatch Agent, handling the shipment; such proof to be accepted in lieu of payment of excise tax.

PART 6-30—CONTRACT FINANCING

11. Part 6-30 is added as follows:

Subpart 6-30.4—Advance Payments

Sec. 6-30.406 Responsibility—delegation of authority.

Subpart 6-30.5—Progress Payments Based on Cost

Sec.
6-30.505 Unusual progress payments—standards—procedure.

AUTHORITY: The provisions of this Part 6-30 issued under 63 Stat. 111; 5 U.S.C. 151c, 22 U.S.C. 811.

Subpart 6-30.4—Advance Payments

§ 6-30.406 Responsibility—delegation of authority.

Prior to committing the Department to making an advance payment, the Contracting Officer will prepare and sign the determination and findings under authority of § 6-3.302(c) (7) of this chapter.

Subpart 6-30.5—Progress Payments Based on Costs

§ 6-30.505 Unusual progress payments—standards—procedure.

(a) Requests for "unusual" progress payments supported by sufficient justification may be approved by the Contracting Officer, under § 6-3.302(c) (7) of this chapter.

PART 6-60—CONTRACT APPEAL REGULATIONS

Subpart 6-60.1—Establishment, Authority, and Organization of the Contract Appeals Board

12. Section 6-60.103-1 is amended to reflect organizational changes.

§ 6-60.103-1 Membership.

The Board shall be appointed by the Deputy Under Secretary of State for Administration at such times as may be considered necessary and shall consist of not less than three (3) members, one member who shall be from the Legal Adviser's Office, who shall be designated chairman. At the discretion of the Deputy Under Secretary not more than two additional members may be appointed who have technical knowledge of the subject matter of the contract involved.

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary
for Administration.

APRIL 22, 1966.

[F.R. Doc. 66-4830; Filed, May 3, 1966; 8:46 a.m.]

Chapter 22—Office of Economic Opportunity

PART 22-60—CONTRACT APPEALS

Part 22-60 of Chapter 22 of Title 41 of the Code of Federal Regulations is added as follows:

Sec.
22-60.000 Scope of part.
22-60.001 Definitions.

Subpart 22-60.1—Board of Contract Appeals Establishment and Functions

22-60.101 Scope of subpart.
22-60.102 Determination of appeals.
22-60.103 Establishment and membership of the Board.
22-60.104 Functions of the Board.

Subpart 22-60.2—Appeal Procedures

Sec.
22-60.201 Scope of subpart.
22-60.202 Notice to contractor of appeals procedures.
22-60.203 Filing of notice of appeal.
22-60.204 Form and content of notice of appeal.
22-60.205 Duties of the Contracting Officer.
22-60.206 Designation of Board, delegation of final decision power; appeal file.
22-60.207 Optional procedure for appeals.
22-60.208 Submission without a hearing.
22-60.209 Settlement; withdrawal of appeal.
22-60.210 Pre-hearing conference.
22-60.211 Hearings.
22-60.211-1 Notice and where held.
22-60.211-2 Representation.
22-60.211-3 Absence of parties.
22-60.211-4 Nature of hearings; evidence.
22-60.211-5 Examination of witnesses.
22-60.211-6 Copies of documents.
22-60.211-7 Post-hearing briefs.
22-60.211-8 Transcript of proceedings.
22-60.211-9 Withdrawal of exhibits.
22-60.212 Submission of additional information at Board's request.
22-60.213 Communications between parties and the Board; evidence of service.
22-60.214 Findings, recommendations, and decision.

AUTHORITY: The provisions of this Part 22-60 issued under 42 U.S.C. 2942(n).

§ 22-60.000 Scope of part.

This part established policies and procedures regarding appeals from decisions of contracting officers filed pursuant to "Disputes" clauses of contracts entered into by the Office of Economic Opportunity.

§ 22-60.001 Definitions.

As used in the contract appeal regulations in this part:

(a) "Assistant Director" means the Assistant Director for Management of the Office of Economic Opportunity.

(b) "Board" means the Board of Contract Appeals established pursuant to the regulations in this part and included individual members of the Board exercising the powers of the full Board in connection with prehearing conferences and hearings at which they have been designated to preside pursuant to § 22-60.210 or § 22-60.211.

(c) "Contracting Officer" means the contracting officer or administrative or successor contracting officer designated under an Office of Economic Opportunity contract from whose decision an appeal has been taken under the "Disputes" clause of the contract.

(d) "General Counsel" means the General Counsel of the Office of Economic Opportunity or any attorney in the General Counsel's Office who has been designated to represent the Government as respondent in connection with an appeal under the regulations in this part.

(e) "Parties," "Appellant," and "Government" include duly authorized attorneys and other representatives appearing for the parties, the appellant, or the Government in connection with an appeal under the regulations in this part.

Subpart 22-60.1—Board of Contract Appeals Establishment and Functions

§ 22-60.101 Scope of subpart.

This subpart describes the establishment, membership, and functions of the Board of Contract Appeals of the Office of Economic Opportunity.

§ 22-60.102 Determination of appeals.

Determination of appeals from decisions of contracting officer shall be made by the Assistant Director after receipt of findings and recommendations by a Board, or by the Board itself pursuant to delegation of the Assistant Director in accordance with § 22-60.206(a).

§ 22-60.103 Establishment and membership of the Board.

(a) Members of the Board shall be designated by the Assistant Director and shall consist of a chairman and two associate members. At least one of the members shall be either an attorney or a qualified hearing examiner. No person shall be designated as a member of the Board if he has participated in or has any interest, direct or indirect, in the awarding or administering of the contract in dispute, if he is engaged at the time in the administration of a related or similar contract, or if he is a member of the General Counsel's Office of the Office of Economic Opportunity. When he deems appropriate, the Assistant Director may designate a person from the academic community or from industry to serve as a member of the Board.

(b) In all cases under the regulations in this part requiring action by the full Board, majority vote shall govern. A quorum of the full Board for purposes of doing business shall consist of two members.

§ 22-60.104 Functions of the Board.

(a) The Board shall perform all acts and make all orders and rulings necessary and appropriate in connection with the procedures specified in Subpart 22-60.2 of this part and shall perform such other duties as may be delegated to it by the Assistant Director.

(b) The Board may in its discretion hear, consider, and make findings and recommendations on all questions which it deems appropriate for the complete adjudication of the issues involved in the appeal, including questions of law.

Subpart 22-60.2—Appeal Procedures

§ 22-60.201 Scope of subpart.

This subpart sets forth the procedures governing the filing and disposition of an appeal.

§ 22-60.202 Notice to contractor of appeals procedures.

Whenever a contractor protests a decision of the Contracting Officer made pursuant to a contract "Dispute" clause or otherwise advises the Contracting Officer of an intention to contest or appeal such a decision, the Contracting Officer shall promptly make available to the contractor (hereafter called the "appellant") a copy of the contract appeals regulations in this part.

§ 22-60.203 Filing of notice of appeal.

Notice of an appeal must be in writing and signed personally by the appellant, by an officer of the appellant corporation, or member of the appellant firm, or by the appellant's duly authorized representative or attorney. The notice shall be addressed to the Contracting Officer or the Assistant Director and shall be mailed or otherwise filed with the Contracting Officer whose decision is being disputed. The notice of appeal must be mailed or otherwise filed within the time specified in the contract.

§ 22-60.204 Form and content of notice of appeal.

The notice of appeal should indicate that an appeal is thereby intended and should include the following information:

- (a) Identification of the contract involved;
- (b) The specific decision of the Contracting Officer from which the appeal is taken, including the date and form of such decision;
- (c) The specific portion or portions of the findings of fact or decision from which the appeal is being taken, and the reasons why such findings or decisions are deemed erroneous;
- (d) The relief sought by the appellant, and
- (e) Whether the appellant wishes a hearing or is willing to have the appeal decided on the basis of written submissions.

§ 22-60.205 Duties of the Contracting Officer.

Upon receipt of the notice of appeal, the Contracting Officer shall promptly acknowledge receipt thereof in writing to the appellant, enclosing a copy of the contract appeal regulations in this part, and shall transmit a copy of such acknowledgment to the Assistant Director together with the appeal file consisting of the documents specified in § 22-60.206 and a separate listing by title and date of such documents. A copy of the acknowledgment shall be transmitted simultaneously to the General Counsel. The Contracting Officer may retain a duplicate copy of the appeal file. In any case where the notice of appeal does not specify whether a hearing is desired, the letter of acknowledgment shall specifically call the appellant's attention to the provisions of §§ 22-60.207 and 22-60.208.

§ 22-60.206 Designation of Board, delegation of final decision power; appeal file.

(a) After the Assistant Director has received notification of the appeal, he shall designate the Board in accordance with the provisions of § 22-60.103 and shall transmit the appeal file to the Board Chairman. Simultaneously the Assistant Director may also delegate to the Board the power of final decision in the matter being appealed. The Board Chairman shall send a copy of the notice of designation, including any delegation of final decision power and the list of documents in the appeal file, to the appellant and to the General Counsel.

(b) The file shall consist of the original, whenever possible, or copies of all documents pertinent to the appeal, including the following:

- (1) Notice of appeal.
- (2) The findings of fact or decision of the Contracting Officer from which the appeal is taken.
- (3) The invitation for bids or proposals, the contract, pertinent plans and specifications amendments, and change orders.
- (4) All correspondence between the parties relating to or pertinent to the dispute.
- (5) Transcripts of any testimony taken in connection with the dispute prior to the filing of the appeal, and affidavits or statements of any witnesses which were considered by the Contracting Officer in reaching decision being appealed.
- (6) Any additional data that the Contracting Officer may consider pertinent.
- (c) Upon receipt of the appeal file, the Board Chairman shall provide both the appellant and the General Counsel with a listing of the appeal file contents and shall notify them where the file may be examined. Each party may furnish or suggest additional documentation deemed pertinent to the appeal. The appeal file shall be available for examination by the parties or their counsel or representatives at the office of the Board Chairman, or at the office of the Contracting Officer.

§ 22-60.207 Optional procedure for appeals.

In order to eliminate the costs of a hearing to the contractor and to the Government on appeals involving relatively small amounts, and to expedite the decisions on such appeals, appeals may be considered without a hearing in accordance with the provisions of § 22-60.208, unless a hearing has been requested by either party within 20 days after receipt of the Contracting Officer's letter of acknowledgment of the notice of appeal or unless the Board orders a hearing.

§ 22-60.208 Submission without a hearing.

Where neither party desires a hearing, and the Board does not order one, the Board's findings and recommendations will be based upon the appeal file and such written submissions (including briefs) as the parties may submit on their own initiative or at the request of the Board. In all such cases the Board shall determine the time schedule for written submissions.

§ 22-60.209 Settlement; withdrawal of appeal.

A dispute may be settled at any time before decision by written stipulation between the appellant and the Contracting Officer, or their counsel or representatives, subject to the approval of the Assistant Director (or the Board in cases where final decision has been delegated to the "Board"). If only part of the dispute is settled, the appeal shall continue as to any issues remaining in dispute. At any time prior to decision the appellant may withdraw the appeal with prejudice, by written notice to the Board.

§ 22-60.210 Pre-hearing conference.

(a) The Board, upon the request of either party, or in its own discretion, may call the parties to a prehearing conference to consider the following:

- (1) Simplification or clarification of the issues.
- (2) Possibility of obtaining stipulations, admissions of fact, and agreement respecting the introduction of documents.
- (3) Limitation of the number of expert witnesses.
- (4) Possibility of agreement disposing of all or any of the issues in dispute.
- (5) Such other matters as may aid in the disposition of the appeal.
- (b) A member of the Board may be designated to conduct the prehearing conference. The results of the conference including any stipulations by the parties, shall be reduced to writing by the presiding member and shall be made part of the record.

§ 22-60.211 Hearings.**§ 22-60.211-1 Notice and where held.**

In cases where a hearing has been requested or has been ordered by the Board, the parties will be given a minimum of 20 days notice in writing of the time and place of the hearing. Hearings will normally be held in Washington, D.C., unless the Board is satisfied that fairness to one or both of the parties requires a different hearing place. The Board may designate one of its members to conduct the hearing and to take all actions and make all rulings in connection with the conduct of the hearing which the full Board could make pursuant to the regulations in this part. In all such cases the designated member shall be an attorney or a qualified hearing examiner.

§ 22-60.211-2 Representation.

An appellant may appear before the Board in person, or may be represented by counsel or by any other duly authorized representative.

§ 22-60.211-3 Absence of parties.

The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay of the hearing. In such event, the hearing will proceed and the case will be regarded as submitted on the record by the absent party, or the Board may, in its discretion and with the consent of the present party, cancel the hearing and treat the appeal as submitted on the written record.

§ 22-60.211-4 Nature of hearings; evidence.

Hearings will be informal and will seek to provide the Board with the pertinent facts and positions of the parties. The Board shall not be bound by formal rules of evidence. The parties shall be permitted reasonable latitude to present such relevant and trustworthy evidence and such arguments as they deem appropriate. However, the Board, in its discretion, may limit the extent and manner of presentation and may exclude repetitious material.

§ 22-60.211-5 Examination of witnesses.

Witnesses may be excused from testifying under oath, in the discretion of the Board. All witnesses may be examined or cross-examined by the members of the Board, the parties, or their representatives.

§ 22-60.211-6 Copies of documents.

Accurate copies of documents may be accepted in evidence if submission of original documents is not practicable.

§ 22-60.211-7 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be ordered by the Board at the conclusion of the hearing. Unless otherwise ordered by the Board, the briefs of both parties shall be served and filed within 30 days after the hearing transcript is received.

§ 22-60.211-8 Transcript of proceedings.

Hearings shall be reported verbatim unless the Board orders otherwise. Copies of transcripts of proceedings can be obtained by appellants by ordering same from the public reporter and paying the cost thereof.

§ 22-60.211-9 Withdrawal of exhibits.

After a decision has become final, upon request and after notice to the other party, the Board may in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of certified true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 22-60.212 Submission of additional information at Board's request.

The Board may request either party at any stage of an appeal proceeding to furnish any information which the Board deems necessary or desirable in connection with its consideration of the appeal. Submission thereof shall be made within a reasonable time limit to be specified by the Board.

§ 22-60.213 Communications between parties and the Board; evidence of service.

(a) Copies of all briefs, pleadings, notices and other communications between a party and the Board shall be simultaneously served upon the other party, except that in the case of lengthy written material placed in the appeal file pursuant to § 22-60.206 or § 22-60.212, it shall be sufficient to serve upon the other party a description of the material in question and the date of its transmission for the file. All written communications by a party to the Board shall contain or be accompanied by evidence of simultaneous service upon the other party by means of personal delivery or by mail.

(b) Except as provided in § 22-60.211-3, all communications between one party to a pending appeal and members of the Board which relate to the merits of the appeal shall be made in the presence of

the other party, if oral, or shall be served upon the other party in accordance with paragraph (a) of this section, if written.

§ 22-60.214 Findings, recommendations, and decision.

(a) In cases where the Board has not been delegated the power of final decision, it shall submit its written findings and recommendations to the Assistant Director. The Assistant Director may accept, modify or reject the Board's findings and recommendations, and in his discretion he may direct that copies thereof be served upon the parties and that they be given such opportunity as he may specify to comment orally or in writing prior to making his decision. The decision of the Assistant Director in such cases shall be final and conclusive within the meaning of the Disputes clause of the contract.

(b) In cases where pursuant to § 22-60.206(a) the Assistant Director has delegated to the Board the power of final decision, the Board's findings and decision shall be final and conclusive within the meaning of the "Disputes," clause of the contract.

(c) Every final decision pursuant to paragraphs (a) and (b) of this section and all findings and recommendations of the Board pursuant to paragraph (a) of this section shall be based upon substantial evidence of record.

(d) A copy of each decision shall be furnished to both parties to the appeal and shall be available for public inspection at the office of the Contracting Officer.

These regulations shall become effective as of the date they are published in the FEDERAL REGISTER.

SARGENT SHRIVER,
Director.

APRIL 26, 1966.

[F.R. Doc. 66-4836; Filed, May 3, 1966;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66-388]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Broadcast Bureau

Order. At a session of the Commission held at its offices in Washington, D.C., on the 27th day of April 1966;

1. The Commission has under consideration the requirements of § 73.652(a) of its rules, dealing with station identification by television broadcast stations (call letters and location).

2. The Commission has waived these provisions so as to permit multiple city identification in all situations in which the additional community or communities with which the station concerned wished to be identified were provided with the requisite predicted field inten-

sity specified in § 73.685(a) of the rules. Therefore, it is deemed appropriate that the Commission delegate to the Chief, Broadcast Bureau, authority to act on requests for waiver of § 73.652(a) to permit multiple-city identification, if all of each community for which identification permission is sought is provided with the requisite predicted field intensity specified in § 73.685(a) of the rules by the station seeking such authority.

3. Since this amendment relates to a matter of agency organization and procedure, neither a prior notice of rule making nor a waiting period for the change to become effective is necessary (section 4 of the Administrative Procedure Act; 5 U.S.C. 1003). Authority for promulgation of this amendment to the Commission's rules and regulations is contained in sections 4 (i) and (j), 5(d), and 303(r) of the Communications Act of 1934, as amended.

4. It is ordered, That, effective May 6, 1966, § 0.281 of the Commission's rules and regulations is amended by the addition of subparagraph (17) to paragraph (d), to read as follows:

§ 0.281 Authority delegated.

(d) * * *

(17) For waiver of the provisions of § 73.652(a) of this chapter to permit multiple-city identification, where the additional community or communities with which identification is sought, are provided with the requisite field intensity specified in § 73.685(a) of this chapter by the station seeking such authority.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: April 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4854; Filed, May 3, 1966;
8:48 a.m.]

[Docket No. 16409; FCC 66-391]

PART 73—RADIO BROADCAST SERVICES

Report and Order

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations (Charleston and Logan, W. Va.); Docket No. 16409, RM-887.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 66-20, issued in this proceeding on January 7, 1966 (31 F.R. 355), inviting comments on a proposal advanced by Reeves Broadcasting Corp., licensee of Station WHTN-TV, Huntington, W. Va., as follows:

¹ Commissioner Loevinger absent.

City	Channel No.	
	Present	Proposed
Charleston, W. Va.	241, 248, 253, 260, 270	241, 248, 253, 260, 274
Logan, W. Va.	270, 274	270

The proposal would delete Channel 290 from Charleston, substitute Channel 274 therefor and delete Channel 274 from Logan. Since Station WTIO operates on Channel 290 in Charleston, its authorization will have to be modified in the event the proposal is adopted.

2. The stated purpose of the proposed shifts is to eliminate the second harmonic interference which occurs to reception in Charleston of TV Station WHTN-TV, which operates on Channel 13 at Huntington, due to the operation of FM Station WTIO on Channel 290. Reeves states that the interference occurs within a radius of 2 miles from the WTIO transmitter and is due to overloading of the input circuits of the TV receivers by the strong signal of that station which causes a second harmonic signal to appear within the Channel 13 signal. Petitioner further submits that the proposal is the only practical solution to the problem and that there has not been any application filed for either of the two FM assignments in Logan, a community of 4,185 persons.

3. In the notice we invited comments on the question of whether the channel proposed to be deleted from Charleston cannot be assigned elsewhere, and if not, whether the proposal does not represent an inefficient use of available spectrum space. In reply to this query Reeves shows that there is an area of 11,300 square miles, of which 2,300 square miles is beyond the Grade B contour of WHTN-TV, in which Channel 290 may be assigned and that within this area is populous Fayette County, with a population of 67,731. Reeves further states that the only FM channel assigned in that county is Channel 231, occupied by Station WOAY-FM at Oak Hill and that the assignment of Channel 290 to this community would provide a competitive FM service. Finally, petitioner points out that WTIO has been cooperative in seeking a solution to the interference problem and is willing to shift from Channel 290 to 274 as soon as possible.

4. Chemical City Broadcasting Company, the licensee of Station WTIO, Charleston, W. Va., states that it will not oppose the modification of its license to specify Channel 274 in lieu of 290 if Channel 290 is moved to Oak Hill, W. Va., and provided that Reeves Broadcasting Corp. agrees to pay the sum of \$1,000 as partial payment of the expected expenses. Chemical City further submits that it has been authorized by counsel for Reeves to state that the financial payment is satisfactory to Reeves.

5. We have on several occasions pointed out that second harmonic interference to TV reception from FM stations is basically a problem of transmitter and receiver design and is not a factor normally taken into account in the as-

signment of FM and TV channels. However, we have made some channel changes where a simple solution was found which was agreeable to all the parties concerned and did not adversely affect the public interest. See Information Bulletin dated February 19, 1965, FCC 65-130 and public notice dated February 3, 1966, FCC 66-106. We are of the view that the proposal advanced by Reeves as modified by both Reeves and WTIO would serve the public interest and should be adopted. This would remove the interference problem without deleting an FM channel from use in the general area. While Oak Hill is not a large community (1960 Census population 4,711), a second channel assigned there is available for use in a number of other communities under the "25-mile rule," and if used would provide a competitive broadcast service (the AM, FM, and TV stations at Oak Hill are owned by the same licensee). We further are of the view that the payment of \$1,000 toward the cost of the changeover is reasonable.

6. In summary, we believe that the deletion of Channel 290 from Charleston and the substitution of Channel 274 would serve the public interest since it would remove the existing interference problem without any loss of FM assignments or a shift of the problem to any other city or TV station. We also believe that the assignment of a second FM channel to Oak Hill rather than to Logan would be in the public interest since the former is somewhat larger than the latter, since Logan has two AM stations (both unlimited time operations) while Oak Hill has only one daytime-only AM station, and since it would provide a competitive broadcast service in Oak Hill.

7. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective June 6, 1966, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities named below, as follows:

City	Channel No.
Charleston, W. Va.	241, 248, 253, 260, 274
Logan, W. Va.	270
Oak Hill, W. Va.	231, 290

9. *It is further ordered*, That the outstanding license held by Chemical City Broadcasting Co. for Station WTIO on Channel 290 at Charleston, W. Va., is modified, to specify operation on Channel 274 subject to the following conditions:

(a) The licensee shall submit to the Commission by May 13, 1966, all the technical information normally required for the issuance of a construction permit for operation on Channel 274, including any changes in antenna and transmission line.

(b) The licensee may continue to operate on Channel 290 until upon its request, the Commission authorizes interim operation on Channel 274, following which the licensee shall submit (within 30 days)

the measurement data normally required of an applicant for an FM station license.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: April 27, 1966.

Released: April 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4855; Filed, May 3, 1966;
8:48 a.m.]

[Docket No. 14229; FCC 66-396]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order

In the matter of fostering expanded use of UHF television channels; petition for reconsideration of assignments at Modesto and Stockton, Calif., Docket No. 14229.

1. KLOC Broadcasting Co., Inc. (KLOC-TV), permittee of KLOC-TV, Channel 17, Modesto, Calif., has filed a Petition for Reconsideration of the Fifth Report and Memorandum Opinion and Order in the above-entitled matter, insofar as it retained the assignment of Channel 17 in Modesto.

2. In support thereof, the petitioner calls attention to its application (BMPCT-6126) for the relocation of KLOC-TV to a site on Mount Oso, some 22 miles southwest of Modesto from which it will be able to provide substantially better coverage to the San Joaquin Valley. Channel 17 may not be used at the Mount Oso site and meet the required 75-mile geographic separation to KSNB-TV, Channel 32, San Francisco, Calif. The petitioner claims that the mileage separation problem came as a complete shock because it believed that the move of Channel 17 to Mount Oso presented no unusual problems and its plan for such a move has advanced to the point where substantial commitments have been made and payment of some of the obligations commenced. KLOC-TV further claims that Channel 14 was deleted from Modesto and Channel 17 substituted therefor "over the strong objections of the principals of KLOC-TV—" in the proceedings in Docket No. 14484, adopted March 28, 1962 (FCC 62-364) which moved Channel 14 to San Mateo, Calif., for educational use.

3. A review of that proceeding shows that objections to the move were filed by the Mayor of Modesto and two individuals who are the original applicants for Channel 17 in a partnership agreement, and who subsequently formed a corporation to bring in additional individuals and secure additional financing. The objections were not based upon the contemplated use of the Mount Oso site but

¹ Commissioners Bartley and Cox dissenting; Commissioner Loevinger absent.

merely opposed to the loss of a low numbered UHF channel. In the adopted amendment, Channel 17 was substituted for Channel 14 in Modesto and the objectors apparently found this to be satisfactory. It may be noted that KCSM-TV, a noncommercial educational TV station began operation on Channel 14 in San Mateo on October 12, 1964, and although KLOC-TV has held a construction permit since November 12, 1964, the station has not yet been placed in operation. Its application for the move to Mount Oso was not filed until July 1, 1965.

4. The petitioner has suggested that the site problem may be resolved by shifting Channel 19 from Stockton to Modesto, deleting Channel 17 from Modesto, and substituting Channel 31 for Channel 19 in Stockton. Channel 19 could not be placed in Modesto using the main Post Office reference point because Channel *23 is assigned there and a minimum geographic separation of 20 miles must be maintained between Channel 19 and Channel 23. However, since the Mount Oso site is 22 miles from the Post Office, Channel 19 can be used there in full compliance with the geographic separation requirements. Channel 17 must be deleted from Modesto if 31 is to be used at Stockton. Therefore, Channel 19 would be a substitute for the currently authorized Channel 17 for KLOC-TV. The application for authority to move to Mount Oso is granted, and that site becomes the reference point for Channel 19. The assignment of Channel 19 to Modesto will restrict to some extent the location of a station proposing to use Channel 23 because of the 20 mile "taboo" on assignments four channels apart; but it is already somewhat restricted (for example as to location at Mount Oso) by other assignments including Channel 38 at San Francisco. If the permittee fails to proceed diligently with the construction and operation of the authorized facilities, steps may be instituted to delete the new assignment.

5. In light of the foregoing and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective June 10, 1966, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	Channels
Modesto, Calif.	19—, *23
Stockton, Calif.	13+, 31, 58

6. By this action, the Petition for Reconsideration filed by KLOC Broadcasting Co., Inc., is granted.

7. *It is further ordered*, That, the application of KLOC Broadcasting Co., Inc., for modification of construction permit of Station KLOC-TV, Modesto, Calif. (BMPCT-6126), is granted except that Channel 19— is specified instead of Channel 17; the revised specifications for

KLOC-TV will be set forth in a modified permit to be issued shortly.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: April 29, 1966.

Released: April 29, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4856; Filed, May 3, 1966;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries
and Wildlife, Fish and Wildlife
Service, Department of the Interior

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing: for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 1,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: May 1, 1966, through September 30, 1966, daylight hours only.

(2) the use of boats, without motors, is permitted only in designated portions of the Main Pool as shown on the map available.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 30, 1966.

HAROLD H. BURGESS,
Refuge Manager, Squaw Creek
National Wildlife Refuge,
Mound City, Mo.

APRIL 26, 1966.

[F.R. Doc. 66-4820; Filed, May 3, 1966;
8:45 a.m.]

¹ Commissioners Lee and Loevinger absent.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing
Service (Standards, Inspections,
Marketing Practices), Department
of Agriculture

PART 68—REGULATIONS AND
STANDARDS FOR INSPECTION AND
CERTIFICATION OF CERTAIN AGRICULTURAL
COMMODITIES AND
PRODUCTS THEREOF

Miscellaneous Amendments

Correction

In F.R. Doc. 66-3895 appearing at page 5605 in the issue for Saturday, April 9, 1966, the following corrections are made in § 68.42. The line immediately following item (a) (2) under "Hay and straw inspection" is deleted and the following is inserted: "(3) Minimum fee; truck, warehouse, barn, or elsewhere—10.00". Item (a) (21) under "Laboratory testing" is corrected to read: "(21) Fat acidity—2.05".

Chapter IX—Consumer and Marketing
Service (Marketing Agreements
and Orders; Fruits, Vegetables,
Nuts), Department of Agriculture

PART 980—TOMATOES Import Restrictions

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of tomatoes into the United States, to be effective May 5, 1966, to July 15, 1966, pursuant to the requirements of section 8e-1 (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.) was published in the FEDERAL REGISTER April 23, 1966 (31 F.R. 6276). This notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto through April 28, 1966. None was filed.

After consideration of all relevant material, including the proposals set forth in the aforesaid notice, it is hereby found that the restrictions on the importation of tomatoes into the United States, as hereinafter provided, are in accordance with section 8e-1 of the act.

(b) It is further found that good cause exists for not postponing the effective date of this regulation beyond May 9, 1966 (5 U.S.C. 1003) in that (1) the requirements established by this import regulation are issued pursuant to section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended, which makes such regulations mandatory; (2) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (3) notice hereof is in excess of the minimum period of 3 days specified in section 8e-1 of the act; (4) in fixing the effective date hereof due consideration has been given to the time required for the transportation and entry into the United States after picking of imported

tomatoes to which this regulation is applicable as required by section 8e-1 of the act; (5) such notice is hereby determined to be reasonable; and (6) the regulations hereby established for tomatoes that may be imported into the United States comply with the size restriction imposed upon domestic tomatoes under Marketing Order No. 965.

§ 980.202 Tomato Import Regulation No. 11.

Except as otherwise provided, during the period from May 9, 1966, to July 15, 1966, no person shall import fresh tomatoes of any variety except Cerasiform type commonly referred to as cherry tomatoes and elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties unless they are inspected and meet the requirements of this section.

(a) *Size requirement.*—(1) Size. $1\frac{1}{16}$ inches minimum diameter or larger.

(2) *Tolerance for size.* Not more than ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity.* Any importation which in the aggregate does not exceed 120 pounds, may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported, into the United States under the provisions of section 8e-1 of the act.

(e) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, or

by such other governmental inspection service as may be designated, or approved, by the Director, Fruit and Vegetable Division, Consumer and Marketing Service, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of tomatoes, is required. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 111, 222 McClendon Building, Harlingen, Tex., 78550 (Phone—Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Avenue, Post Office Box 1646, Nogales, Ariz., 85621 (Phone—Altwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles, Calif., 90021 (Phone—Madison 2-8756).	3 days.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y., 10013 (Phone—Rector 2-8000, ext. 807).	1 day.
Miami, Fla. . .	Lloyd W. Boney, 1350 Northwest 12th Avenue, Room 538, Miami, Fla., 33136 (Phone—371-2514 or 371-2518).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, C&MS, Washington, D.C., 20250 (Phone—Dudley 8-5870).	3 days.

(2) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(3) The cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) The quantity of the commodity covered by the certificate;
- (v) The principal identifying marks of the containers;
- (vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* "Importation" means release from custody of the U.S. Bureau of Customs.

Effective date. Dated May 2, 1966, to become effective May 9, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050]

[Docket Nos. AO 355, AO-313-A8]

MILK IN CENTRAL ILLINOIS AND SUB-URBAN ST. LOUIS MARKETING AREAS

Notice of Additional Time for Filing Exceptions To Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that additional time is given for filing exceptions to the recommended decision with respect to the proposed agreements and to the orders regulating the handling of milk in the Central Illinois and Suburban St. Louis marketing areas, which was issued April 26, 1966 (31 F.R. 6497). Such exceptions should be filed not later than May 12, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 29, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-4848; Filed, May 3, 1966;
8:48 a.m.]

[7 CFR Part 1126]

[Docket No. AO-231-A24]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the

tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dallas, Tex., on January 27, 1966, pursuant to notice thereof which was issued January 19, 1966 (31 F.R. 910).

The material issues on the record of the hearing relate to:

1. Definitions and other provisions relating to plants;
2. Interorder diversion of producer milk;
3. Classification of sterilized cream; and
4. Administrative expense.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. **Definitions and other provisions relating to plants.** The present pooling standards for distributing plants and co-operative association plants should be changed. Provisions relating to newly defined "partially regulated distributing plants" should be included in the order. Also, a new "plant" definition should be added and the present "distributing plant" definition should be modified.

The North Texas order now provides that a distributing plant shall be a pool plant in any month in which it sells fluid milk products on routes in the North Texas marketing area.¹ In the case of a plant operated by a cooperative association, the order provides that a plant not qualifying as a pool distributing plant or a pool supply plant shall be a pool plant if located in the marketing area and Grade A milk is received at the plant from dairy farmers and also is delivered directly from members' farms to pool plants of other handlers. For either type of plant, token performance by the plant operator is sufficient for the plant to qualify for pooling.

¹ Under certain conditions, a distributing plant selling packaged milk in the North Texas market and in another federally regulated market in the same month may be a pool plant under the other order. Further attention to this situation is unnecessary in considering the issue at hand.

The North Texas Producers Association, whose members supply about 85 percent of the producer milk in the North Texas market, proposed a revision of the pooling standards for these types of plants. It recommended that a pool distributing plant should sell as fluid milk products at least 50 percent of its receipts of Grade A milk on routes, and at least 10 percent of such receipts on routes in the North Texas marketing area. For a plant operated by a co-operative association, producers proposed that 50 percent of the producer milk of members should be received at pool distributing plants of other handlers or be transferred to such plants from the association's plant.

These proposed pooling standards are reasonable and appropriate under current marketing conditions and should be adopted.

When a plant acquires pool plant status under the North Texas order, all milk received at the plant from producers is pooled and priced under the terms of the order. The returns to the producers are based on the overall utilization of all producer milk received during the month at all pool plants in the market. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk. Such distinction is necessary; otherwise, the proceeds from the higher priced Class I milk could be dissipated by including in the market pool additional quantities of milk which were acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds could accrue to the benefit of producers supplying milk to handlers who do not regularly or dependably furnish the fluid milk needs of consumers in the North Texas market.

In this manner, the uniform price for the market could be depressed to the point that it would not serve its function of attracting an adequate supply of milk for the market's fluid needs without providing for a Class I price higher than otherwise would be necessary. Since they are generally passed on to the public, Class I price increases necessitated solely because of inadequate pooling standards would be contrary to the public interest. Therefore, if they are to share in the market pool funds, it is essential that plant operators perform marketing functions (i.e., deliver milk to the market in specified proportions) which contribute to providing adequate and dependable market supplies. The proper performance requirements for pool plants are essential provisions in a

milk order if the order is to attain the statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that best serves the public interest.

The establishment of proper pooling standards is also essential to the determination of which distributing plants need not be subject to full regulation under the order. Some handlers may make only a very minor proportion of their total route sales in the defined marketing area. In other federally-regulated markets, it has been found that the objectives of an order may be achieved in most cases without applying full regulation to such persons.

The present pooling standards of the North Texas order cannot be relied upon to fulfill the purposes which performance requirements should serve. They have worked reasonably well in this market, though, because plants associated primarily with other markets or engaged primarily in the manufacturing of milk have not become pool plants under the order. However, revision of the pooling standards would give greater assurance that orderly marketing conditions will be maintained in this area. Pooling standards similar to those adopted herein have been incorporated in many other Federal orders. They have contributed generally to an adequate identification of those plants which are an integral part of the markets involved. This has assisted in assuring an adequate supply of pure and wholesome milk for consumers in these areas.

At the hearing a handler proposed that a distributing plant be fully regulated if the plant's route sales in the marketing area are 5 percent or more of its receipts. The handler contended that this pooling standard would provide greater competitive protection to fully regulated handlers than would the "10 percent" pooling requirement proposed by producers.

This should not be adopted. The 10 percent requirement is a reasonable standard for distinguishing between those distributing plants which are substantially engaged in supplying consumers in the North Texas market and those which do so to only a minor extent. As described later, provisions are proposed herein for pricing in-area route sales by the latter, or "fringe area," plants. These provisions should adequately equate the competitive position in the marketing area between fully regulated handlers and partially regulated fringe area handlers.

A distributing plant selling at least 50 percent of its receipts on routes is primarily in the fluid milk business. Such a percentage, then, represents a performance standard by which plants engaged significantly in supplying fluid milk to consumers may be identified. This performance requirement should be applied somewhat differently, though, in the case of distributing plants operated by the same handler. The order should provide that if two or more such plants each meet the 10 percent in-area sales requirement, the 50 percent requirement

may be based on the combined receipts and route disposition of all such plants.

This provision was proposed at the hearing by a handler who operates a distributing plant at Dallas and another such plant at Fort Worth. The Dallas plant is a fluid milk operation with no manufacturing facilities. Fluid milk items are processed and packaged at the nearby Fort Worth plant, also. In addition, the handler manufactures products at the latter plant for distribution from both plants. The two plants have qualified as pool distributing plants since the inception of the order. Under the proposed pooling standards, however, the Fort Worth plant would not have qualified as a pool plant during six months of a recent 12-month period. During these 6 months less than 50 percent of its receipts were sold in the form of fluid milk products. The handler contended that if he were to insure pool plant status for this plant under the pooling standards proposed by the cooperative association he could not take full advantage of the costly specialized manufacturing equipment installed only in the Fort Worth plant.

This situation can be accommodated by use of the above-mentioned pooling provisions. Such performance requirements in this type of situation would be consistent with the purposes which pooling standards should serve. Under this arrangement a handler operating more than one distributing plant in the market would be afforded the opportunity of effecting economies available through specialization of plant operations. The handler's total operation, however, would be primarily engaged in supplying fluid milk to consumers.

There appears to be no reason to require that distributing plants qualifying for pool status in this manner qualify individually as pool plants for the preceding 12 months, as the handler suggested. Adequate association with the market can be based on current marketing practices without detriment to the regulatory scheme of the order.

Pooling provisions were established in the North Texas order for plants operated by the major cooperative association in the market in conjunction with its supplying member milk to handlers. Customarily in this market, milk is moved from members' farms directly to pool distributing plants. Milk not needed by handlers is usually moved by the association to its plants for manufacturing. For this reason it is not practical for the association's plants to qualify for pool status on the basis of shipments from the plants to other pool plants. Nevertheless, the plants are essential to the service provided by the association in supplying daily milk requirements of handlers. Because of the part these plants play in the handling of reserve milk, it is necessary that they be allowed pool status. Then, when milk of members is moved to such plants rather than to processing plants, such farmers will maintain their producer status.

At the time the present pooling standards for such plants were adopted, distributing plants could obtain pool plant status on the basis of token in-area Class I sales. Because of this it was not practical to establish pooling standards for cooperative association plants significantly different from those for distributing plants. With the standards proposed herein for distributing plants, the basis for pooling association plants can be changed also. It is desirable that a standard of performance be provided to assure that such plants and the milk handled by them are substantially associated with the fluid milk requirements of the market. The 50 percent requirement with respect to deliveries of member milk to pool distributing plants of other handlers would provide such a standard.

As indicated, the required deliveries of milk by a cooperative association should be made to pool distributing plants other than its own. This was proposed by the proponent association which operates a pool distributing plant. No other such plant in the market is operated by a cooperative association. This provision would tend to assure that an association's balancing plant would be qualified for pooling only on the basis of a bona fide association with the Class I requirements of the market. This would not be the case of an association operating a pool distributing plant could qualify another plant merely on the basis of the deliveries of member milk from farms to its own distributing plant.

The order now requires that a cooperative association plant be located in the marketing area. With the establishment of pooling standards which require greater performance, this requirement is no longer necessary. Under most circumstances any plant, wherever located, should be allowed to become a pool plant if it meets the marketing performance standards for regulation which at any time are equal for all plants performing the same function.

The proposed pooling standards for distributing plants and cooperative association plants, as adopted herein, would not affect the present status of plants now regulated under the North Texas order.

The requirement that a pool distributing plant have at least 10 percent of its route sales in the marketing area would tend to keep to a minimum the amount of producer milk sold outside the area. It is likely, though, that some out-of-area sales would exist. Presently, all producer milk disposed of not only within the North Texas marketing area but outside this area is fully regulated and priced under the order. It is necessary that this arrangement be continued under the order. Otherwise, the effect of the order could be nullified, thereby jeopardizing the orderly marketing process.

If only his in-area sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his

outside sales. He thereby could reduce his average cost of all of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is fully regulated under the order, he in effect will not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and would lead to a complete breakdown of the order. If a regulated handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payments to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

In conjunction with their proposed changes in pooling standards, the cooperative association proposed that provision be made for pricing fluid milk products sold on routes in the marketing area by distributing plants which do not qualify as pool plants under this or any other Federal order. This should be done. With the present pooling provisions there has been no need for this. However, the proposed changes in the pooling standards make such action necessary.

The order should be amended to provide that the unregulated distributor who disposes of fluid milk products on routes in the marketing area be accorded the following choices as a means of integrating his plant operations into the market's regulatory scheme:

(a) He should be allowed to show that payment for his total supply of milk from dairy farmers has been at least as much as if his plant were fully regulated. This amount may be paid entirely to his dairy farmers or may be paid in part to his dairy farmers and in part to the producer-settlement fund of the order;

(b) He may show that he has purchased Class I milk priced under some Federal order in an amount at least equivalent to his total Class I sales within the North Texas marketing area;

(c) He may make a payment to the producer-settlement fund on the quantity of Class I sales made in the marketing area at a rate equal to the difference between the Class I price and the uniform price under the order, both applicable at the location of the distributing plant; or

(d) Any combination of choices (b) and (c).

Distributing plants with route distribution in a regulated market may not meet the performance standards for regulation either because of insufficient route sales in the defined marketing area or because too large a proportion of the milk receipts are utilized for purposes other than route disposition. However, it is usually for the former reason that such plants fail to qualify. Distributing-type plants generally use a high proportion of their receipts in Class I disposition on routes.

Ideally, marketing area boundaries are drawn to encompass that territory where the same handlers compete with each other for route sales and to minimize overlapping sales areas with unregulated handlers. Improvements in refrigeration, transportation, and packaging, however, encourage expansion of sales areas to such an extent that it is often difficult to delineate an area which wholly accomplishes these objectives. Even if such a delineation were initially possible, it inevitably would be only a temporary situation.

Milk distributors are interested in selling milk. One way of expanding their businesses is to expand geographically. This presents no particular problem for the order program with respect to the fully regulated handler since he is required to pay for his producer milk receipts on a classified use basis at the specified minimum order prices regardless of where his milk is sold. For each additional unit of Class I sales he makes he must pay the Class I price, whether such sales are made inside or outside the marketing area. He cannot use milk bought at the lower surplus class price to expand his sales in either the regulated market or in other markets. He must report all receipts and utilization of milk and the payments made to producers, and maintain records which will substantiate such reports on audit. The butterfat tests upon which he pays producers likewise are subject to verification. He must pay his pro rata share of the cost of administering the order.

The operator of the unregulated distributing plant is in a substantially different situation. He is not required to purchase his milk on a classified use basis nor is he required to pay his dairy farmers any particular minimum price. Normally, he pays a "flat" price without regard to the manner in which he utilizes the milk. The flat price which such a dealer pays is usually at a level which, in relation to competitive conditions in his area of procurement, will obtain sufficient milk for his needs. The operator of the unregulated distributing plant who competes with fully regulated handlers for his milk supply is, in effect, in competition with the Federal order blend price. He usually may procure his supply for an equivalent price. This was described as generally being the case with respect to unregulated distributing plants located in some of the nearby areas surrounding the North Texas marketing area. The operator of the unregulated distributing plant thus is in a position to obtain his Class I milk for sale in the regulated market at a lower price than the handler who is fully regulated by the Federal order.

Order provisions are needed to minimize the price advantage which the operator of an unregulated distributing plant has on fluid milk sales in the regulated marketing area. The options which it is concluded should be accorded such a person, taken in combination, are designed to achieve this end.

If the operator of an unregulated distributing plant elects to show that he has complied with option (a) above, it

will be clearly evident that he has paid at least as much for his Class I milk as a fully regulated handler, for in fact he has paid for all his milk as if he were fully regulated. Such an option accords him competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I, whether inside or outside the marketing area, at the Class I price established by the order. The operator of the unregulated distributing plant would show that he has also paid at least the equivalent of the order Class I and Class II prices for milk utilized in these respective classes. This option provides a meaningful determination of actual pay prices of milk by such an operator for comparison with order values.

The above option has been provided previously in many of the Federal orders. Many operators of unregulated plants with route distribution in regulated markets have found that using this option is advantageous. When he is paying for his milk supply as much as he would if he were fully regulated, this option gives such an operator an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk will assure that the integrity of the regulatory plan has been protected.

Special provision should be made for an unregulated distributing plant which receives part (or all) of its milk supply from another plant which serves as a supply plant for the unregulated distributing plant. If performance of the supply plant in shipping to the unregulated distributing plant is equivalent to the performance of a regulated supply plant, the operator of the unregulated distributing plant should be permitted, at his election, to show that payments to dairy farmers at the supply plant are in accordance with order accounting and prices. If the necessary information and authority for audit are provided by the unregulated distributing plant, the operations of the supply plant may be included with those of the distributing plant to determine if the payments to dairy farmers are equivalent to payments which would be required under full regulation. Under this option, any amount by which such payments at both plants are less than under full regulation would be owed to the producer-settlement fund. This accords the same conditions to milk from a supply-type plant as is accorded milk received directly from dairy farmers at an unregulated distributing plant.

If the necessary information as to the supply plant is not provided, the obligation of the unregulated distributing plant under this option for milk from the supply plant should be computed in the same manner as the obligation of a regulated plant for a receipt of unregulated milk.

The second option—to purchase milk for his marketing area sales from a source fully regulated under a Federal order—also affords the operator of an unregulated distributing plant an opportu-

nity to sell milk in the regulated area on a basis of competitive equity with respect to such sales.

The equivalent of the milk which he distributes in the marketing area would be fully priced Class I milk. Presumably, he would purchase it on the same basis as any other handler who purchases milk for Class I sales within the regulated market. Again, since the milk would be fully regulated under some Federal order, it would afford adequate protection to the regulatory plan.

Under certain conditions option (c) also would afford to the operator of an unregulated distributing plant competitive equity with respect to his sales within the regulated marketing area, and would protect the integrity of the regulatory scheme. The rate of payment is the difference between the Class I price and the uniform price of the market for the month when the sale is made. This rate is a constant for all locations at a given butterfat test of milk. In essence, the option fixes a value of the sale at the Class I price, and assumes payment to dairy farmers at the uniform price of the market. It also assumes that all milk purchased by such distributor is for Class I use, i.e., that he has no surplus, or reserve supply.

If the operator of an unregulated distributing plant actually pays as much as the blend price to his dairy farmers, and if the milk distributed in the regulated marketing area is not, in fact, surplus to his normal operations, the payment of a Class I price minus the market blend price on his sales in the marketing area usually will tend to protect the regulatory scheme. In the case of regular everyday distribution of about the same quantities of milk in a regulated area by the operator of an unregulated distributing plant, the supply of milk for such sales normally would be acquired on a regular basis and would not be milk surplus to other fluid operations.

The producer proposal to modify the "distributing plant" definition should be adopted. Under the present definition, only those distributing plants which are approved by a health authority having jurisdiction in the marketing area are allowed to be pool plants. Health approval should not be limited to only that given by local authorities. Distributing plants which are approved by any duly constituted State or municipal health authority, or which are acceptable to an agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, should be allowed to be pool plants. This is consistent with the concept expressed earlier that any plant, wherever located, should be allowed to become a pool plant if it meets the performance requirements for regulation which at any time are equal for all plants performing the same function.

The proposed changes in the definitions of "distributing plant" and "pool plant" necessitate a conforming change in the "supply plant" definition. Under the present order provisions, a distributing plant and a pool distributing plant, as defined, are synonymous. This would

not be the case under the order changes proposed herein. As the performance requirements are now written, a supply plant must make certain shipments of milk to distributing plants. The order should now provide, however, that such shipments must be made to a distributing plant which qualifies as a pool plant. This would assure that supply plants which are pooled under the order are performing the function of supplying milk for the fluid milk requirements of the market.

The producer proposal to add a new "plant" definition also should be adopted. "Plant" would mean the land, buildings, facilities and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. A reload point used only as a place at which bulk milk is transferred from one tank truck to another should not be considered as a plant. Similarly, a distribution point used for storing packaged fluid milk products en route in the course of disposition should not be a plant. However, any reloading operations on the premises of a plant engaging in other operations should constitute a part of the operations of such plant.

Various types of plants are defined by the order. There are no definitive standards, though, by which to determine for regulatory purposes what comprises a plant. This definition would assist in the administration of the order and, thus, in the integrity of the regulatory scheme.

The "nonpool plant" definition should be revised to include as one of the categories of such plants "partially regulated distributing plants". In addition, the "handler" definition should be changed to include the operators of such plants. Such handlers should be required to submit to the market administrator those reports which are necessary for determining their obligation under the order.

It is not necessary to include under the "handler" definition the operator of an unregulated supply plant, as the cooperative association proposed. Those who are "handlers" under the order normally are required to submit reports to the market administrator concerning their plant operations. Customarily, only occasional shipments of milk are made from unregulated supply plants to pool plants. Reports by the operators of the supply plants in these cases are not necessary inasmuch as any obligation on such milk applies to the regulated handler receiving the milk.

2. *Inter-order diversion of producer milk.* The order should be changed to allow milk from producers to be diverted for surplus disposal purposes from a North Texas pool plant to a plant regulated under another Federal order. The milk could be so diverted only if such persons are not designated as producers under the other order. The "producer" definition also should be revised to accommodate the reverse situation, i.e., exclude as producers those dairy farmers whose milk is diverted from other Federal order plants to North Texas pool plants.

These changes were proposed by the major cooperative association in the market. The association contended that they would allow more economical handling of milk not needed by local handlers for fluid use.

The order now provides for the classification of milk transferred from a North Texas pool plant to another order plant. If the operators of both plants involved so request, such milk may be classified as Class II to the extent there is Class II utilization available in the transferee plant. No provision is made for the classification of milk diverted from a North Texas pool plant to an other order plant, however. In some cases the other order would designate such milk so diverted as producer milk under that order since the milk would have been received at the other order plant directly from farms. This is true under the North Texas order in the case of milk diverted to North Texas pool plants from other order plants.

There are occasions when it is more economical and efficient to move surplus milk directly from farms to manufacturing plants in other nearby markets than to plants in the market with which the milk is normally associated. Such times are usually in the spring months when milk production is seasonally high and exceeds handlers' fluid milk requirements. Manufacturing facilities in the local market are sometimes inadequate to handle the larger volumes of surplus milk. Orderly disposal of such milk would be promoted if the milk could be moved to other order plants. This assumes that the other order has complementary provisions which would exclude such milk from being producer milk under the other order. If such milk were to become producer milk and thereby pooled under the other order, the milk likely would cause a decrease in that order's Class I and blend prices.

Revision of the transfer provisions to provide for the classification of milk diverted to an other order plant would accommodate this situation. Such diversions would be possible, of course, only when the other order does not require such milk to be pooled under its provisions.

The North Texas order also should allow milk from other markets to be diverted to North Texas pool plants without the dairy farmers involved becoming producers under this order. The exclusion should be limited, however, to that milk which is designated for Class II use by both the handler diverting the milk and the operator of the North Texas pool plant to which the milk is diverted. The provisions for assignment of other order milk not so designated are designed to apply to inter-plant transfers rather than to farm-to-plant movements. When milk moved from the farm to a pool plant under this order is to share in the Class I sales of this market, it should be priced and pooled under the North Texas order as producer milk.

3. *Classification of sterilized cream.* Sterilized cream and sterilized cream products disposed of in hermetically

sealed metal or glass containers should be classified as Class II milk rather than as Class I milk.

Such a change in the classification provisions of the North Texas order was proposed by the operator of a plant located at Springfield, Mo. This plant manufactures sterilized whipping cream from manufacturing grade milk. Under present order provisions, this product would be considered as Class I milk if sold in the North Texas marketing area. Proponent claimed that the product could not compete, at the higher classification, with non-dairy products of a similar nature.

Class I milk products are intended to include milk and milk products eligible for disposition in a form for which Grade A sources of milk are required. Products which may be made from manufacturing grade milk and sold in the marketing area should not be included as a Class I product.

4. *Administrative expense.* The operator of a partially regulated distributing plant should be required to pay a pro rata share of the cost of administering the order. Also, a pool plant operator buying direct-delivered milk from a cooperative association which acts as the handler for such milk should be required to pay the administrative assessment applicable to such milk.

The Act provides that the cost of administering an order shall be financed through an assessment on handlers. Sufficient funds must be available for the market administrator to enable him to administer properly the terms of the order. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources that becomes involved under the regulatory provisions of the order. Presently, an administrative assessment is to be paid by each handler with respect to his receipts of producer milk (including his own production) and other source milk, excluding that on which an assessment was made under another Federal order.

The market administrator, in administering the order as it would apply to the operator of a partially regulated distributing plant, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order would not be applicable to such a plant operator to the same extent as fully regulated handlers. Hence, payment of the administrative assessment on his in-area sales would reasonably constitute his pro rata share of the expense of administering the order. Route disposition on which the assessment would apply should exclude that for which off-setting purchases of Class I milk priced under any Federal order have been made. An administrative assessment will already have been paid on such milk.

The order provides that a cooperative association may act as the handler for milk of members which is delivered directly from the farm to pool plants of other handlers. As the order is now written, an association acting in this capacity must pay the administrative assessment on such milk since it is the

first handler to receive the milk from producers. Under current practice it is customary for the association to collect from the plant operator buying the milk an additional amount to cover the assessment. This procedure is cumbersome and unnecessary.

Most of the verification work which must be done by the market administrator involves the auditing of the receipts and utilization at pool plants. This is the case whether the plant operator buys his milk directly from producers or from a cooperative association acting as a handler. No plant of the association is involved in this particular circumstance. The association is acting as a handler only insofar as certain record-keeping is concerned. It is reasonable, therefore, that the administrative assessment be paid by the handler actually processing such milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. The provision formerly contained in § 1126.7 is now contained in a new § 1126.19, and § 1126.7 is deleted. Section 1126.19 reads as follows:

§ 1126.19 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

2. A new § 1126.7 is added and reads as follows:

§ 1126.7 Plant.

"Plant" means the land, buildings, facilities and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. An establishment used only as a reload point for transferring bulk milk from one tank truck to another, or only as a distribution point for storing fluid milk products in transit on routes, shall not be a plant under this definition. Any reloading operations on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant.

3. Section 1126.8 is revised to read as follows:

§ 1126.8 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted State or municipal health authority, or acceptable to an agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, at which milk products are received, processed and/or packaged, and from which fluid milk products are disposed of on routes in the marketing area.

4. In § 1126.9, the introductory text is revised to read as follows:

§ 1126.9 Supply plant.

"Supply plant" means any plant approved by the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a pool distributing plant as follows:

5. Section 1126.10 is revised to read as follows:

§ 1126.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant, except that if two or more distributing plants operated by the same handler each meet the performance requirement of subparagraph (1) of this paragraph and total disposition of fluid milk products on routes of such plants is 50 percent or more of receipts of Grade A milk at such plants, each such plant shall be deemed to have met the requirement of this subparagraph;

(b) Any supply plant; or

(c) Any plant operated by a cooperative association which has been approved by any duly constituted state or municipal health authority and at which milk is received from dairy farmers holding permits or authorization from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from the plant of the cooperative association.

6. In § 1126.11, a new paragraph (d) is added and reads as follows:

§ 1126.11 Nonpool plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

§ 1126.12 [Amended]

7. In § 1126.12, the reference "the proviso in § 1126.53" in each of the paragraphs (c) and (d) is revised to read "§ 1126.53(b)" and a new paragraph (e) is added to read as follows:

(e) Any person in his capacity as the operator of a partially regulated distributing plant.

8. Section 1126.13 is revised to read as follows:

§ 1126.13 Producer.

(a) "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which milk is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant on any day during the months of January through July and on not more than half of the days of delivery during any other month. Such diverted milk shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

(b) "Producer" shall not include:

(1) Any person during periods of temporary degrading by any duly constituted State or municipal health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(3) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

9. In § 1126.30, a new paragraph (h) is added to read as follows:

§ 1126.30 Reports of receipts and utilization.

(h) Each handler operating a partially regulated distributing plant shall report as required in this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

10. In § 1126.31, the introductory text is revised to read as follows:

§ 1126.31 Payroll reports.

On or before the 20th day of each month, each handler, except a handler making payments pursuant to § 1126.62 (b), shall submit to the market administrator his producer payroll (or, in the case of a handler making payments pursuant to § 1126.62(a), his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

11. Section 1126.41(a) (1) is revised to read as follows:

§ 1126.41 Classes of utilization.

(a) * * *

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except sterilized cream and sterilized cream products disposed of in hermetically sealed metal or glass containers and cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk: *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product

of the same nature and butterfat content;

12. In § 1126.44(g), the introductory text and subparagraphs (2), (3), and (5) are revised to read as follows:

§ 1126.44 Transfers.

(g) As follows, if transferred, or diverted if such milk is not producer milk under the other order, to an other order plant, in excess of receipts from such plant in the same category, as described in subparagraph (1), (2), or (3) of this paragraph:

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the transferor or diverting handler and the operator of the other order plant so request in their reports of receipts and utilization filed with their respective market administrators, transfers and diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under the other order) available for such assignment pursuant to the allocation provisions of the other order;

(5) For purposes of this paragraph, if the order to which the milk is transferred or diverted provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

13. A new § 1126.62 is added and reads as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1126.30 and 1126.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1126.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other

order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1126.70(e) and a credit in the amount specified in § 1126.93(b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1126.30 and 1126.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1126.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

14. Section 1126.92 is revised to read as follows:

§ 1126.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into

which he shall deposit all payments made by handlers pursuant to §§ 1126.62, 1126.93, and 1126.95, and out of which he shall make all payments to handlers pursuant to §§ 1126.94 and 1126.95.

15. Section 1126.97 is revised to read as follows:

§ 1126.97 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundred-weight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts from producers (including such handler's own production);

(b) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(c) Other source milk allocated to Class I pursuant to § 1126.46(a) (3) and (7) and the corresponding steps of § 1126.46(b); and

(d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on April 28, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-4833; Filed, May 3, 1966;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16608; FCC 66-390]

TELEVISION BROADCAST CHANNELS; COMMERCIAL UHF CHANNEL

Notice of Proposed Rule Making

1. The Commission has received a request for the assignment of a commercial UHF television broadcast channel to Somerset, Ky. The request filed by Oris Gowen, Dr. A. B. Morgan, Beecher Frank, all of Somerset; Dr. Thomas Penn, Grundy, Va., and Hogan Teater of Lancaster, Ky., states that it is the intention of the parties to file an application for authority to construct and operate a new television broadcast station in Somerset if a channel is provided.

2. Somerset is located in southeastern Kentucky approximately 70 miles south of Lexington, Ky., and is the County Seat of Pulaski County. According to the U.S. Census of 1960 it had a population of 7,112. Pulaski County has a total population of 34,403. Direct television reception is extremely difficult if not impossible, the closest stations being in Lexington. A CATV system operates in Somerset with 1,000 subscribers out of a potential 2,000, and provides reception from WATE-TV and WAVE-TV, Louis-

ville, Ky.; WSIX-TV, Nashville, Tenn.; and, WLEX-TV and WKYT, Lexington, Ky.

3. Somerset is in an area where available additional UHF assignments are considered to be adequate to meet expected demands. In the corrected Table of Assignments adopted in the Fifth Report and Memorandum Opinion and Order in Docket No. 14229, Channel 29 was assigned to Somerset and reserved for educational use. Since the population is less than 25,000 and there was no evidence of interest in a commercial assignment at that time, no commercial assignment was made. However, the Commission stated that additional assignments would be made in such places if a need arose and the assignment could be made without depriving other cities of needed channels. Such is the case here.

4. Using the program described in Appendix D of the Fifth Report and Memorandum Opinion and Order in Docket No. 14229, the electronic computer found that Channel 16 assigned to Somerset would have the least impact on remaining available assignments and is therefore the most efficient assignment. Since no proposed transmitter site has been supplied, the location of the main Post Office in Somerset has been used for the computation of distances. Geographic flexibility of at least 10 miles for cochannel assignments and at least 5 miles for the "taboo" channels has been provided.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules insofar as the city listed below is concerned, to read as follows:

City	Channels
Somerset, Ky.	16, *29

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before June 6, 1966, and reply comments on or before June 16, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: April 27, 1966.

Released: April 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4857; Filed, May 3, 1966;
8:49 a.m.]

¹ Commissioner Loevinger absent.

[47 CFR Part 73]

[Docket No. 16004]

**FIELD STRENGTH CURVES FOR FM
AND TV BROADCAST STATIONS****Notice of Issuance of Engineering
Report**

1. In an order extending time for filing comments and reply comments issued in this proceeding on March 7, 1966, FCC Memo No. 80797, the Commission, in addition to extending the dates for filing comments, stated that a report of the engineering working group, charged with revising the new curves, would be issued before April 30, 1966, together with the revised propagation curves. Notice is hereby given that the report and revised curves are now in the docket in this proceeding and that extra copies of the report entitled "Report of the Working

Group for the Engineering Conference in Docket No. 16004, on the development of new FM and TV Propagation Curves" and dated April 12, 1966, are available at the Office of the Chief Engineer of the Commission. Interested parties may obtain such copies in Room 802, 521 Building, Washington, D.C., 20554, or by writing to the Chief Engineer at the Commission.

2. As provided for in the above-mentioned order of March 7, 1966, comments in this proceeding are due by May 31, 1966, and replies to comments by June 10, 1966.

Released: April 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4858; Filed, May 3, 1966;
8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series—
No. 4-66]

4% PERCENT TREASURY NOTES OF SERIES F-1967

Offering of Notes

APRIL 28, 1966.

I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 4% percent Treasury Notes of Series F-1967, at 99.85 percent of their face value, in exchange for the following securities maturing May 15, 1966, singly or in combinations aggregating \$1,000 or multiples thereof: 4 percent Treasury Notes of Series D-1966; or 3% percent Treasury Bonds of 1966. The cash payment due subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on May 2 through May 4, 1966, for the receipt of subscriptions.

II. Description of notes. 1. The notes will be dated May 15, 1966, and will bear interest from that date at the rate of 4% percent per annum, payable semi-annually on November 15, 1966, and on May 15 and November 15, 1967. They will mature November 15, 1967, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000, and \$500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. Subscription and allotment. 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. Payment. 1. Payment for the face amount of notes allotted hereunder must be made on or before May 16, 1966, or on later allotment, and may be made only in a like face amount of securities of the two issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. A cash payment of \$1.50 per \$1,000 will be made to subscribers on account of the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered securities, the payment will be made in accordance with assignments on the securities surrendered. When payment is made with securities in bearer form, coupons dated May 15, 1966, should be detached and cashed when due. When payment is made with registered securities, the final interest due on May 15, 1966, will be paid by issue of interest checks in regular course to holders of record on April 15, 1966, the date the transfer books closed.

V. Assignment of registered securities. 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing se-

curities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4% percent Treasury Notes of Series F-1967"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4% percent Treasury Notes of Series F-1967 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4% percent Treasury Notes of Series F-1967 in coupon form to be delivered to _____."

VI. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOSEPH W. BARR,
Acting Secretary of the Treasury.

[F.R. Doc. 66-4862; Filed, May 3, 1966;
8:49 a.m.]

[Dept. Order 175-3]

INTERNAL REVENUE SERVICE

Transfer of Special Enrollment Examination Function

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, it is hereby ordered that the function of administering the Special Enrollment Examination for practice by agents before the Internal Revenue Service is transferred from the Office of the Director of Practice in the Office of the General Counsel to the Internal Revenue Service.

Such personnel, funds, records and equipment as are determined by the General Counsel and the Commissioner of Internal Revenue to be necessary to perform the function relating to the Special Enrollment Examination shall be transferred to the Internal Revenue Service as of the date of this order.

Dated: April 28, 1966.

[SEAL] JOSEPH W. BARR,
Acting Secretary.

[F.R. Doc. 66-4863; Filed, May 3, 1966;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 0787]

ARIZONA

Order Providing for Opening of Public Lands

APRIL 26, 1966.

1. Pursuant to the Act of May 13, 1946 (60 Stat. 179), the following lands are open to entry, subject to the terms and conditions cited below:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11 S., R. 9 E.,
Sec. 36, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 240.00 acres.

2. The lands are located in Pima County. The soil is sandy, loose, and dry. The topography is rolling with a covering of typical desert brush.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. This order shall become effective at 10 a.m., June 1, 1966.

4. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 66-4821; Filed, May 3, 1966;
8:46 a.m.]

National Park Service

FLAMING GORGE RECREATION AREA PROJECT

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Flaming Gorge Recreation Area Project, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1966, through December 31, 1968, the concession permit under which Robert C. Witherspoon provides concession facilities and services for the public in Flaming Gorge Recreation Area Project.

The foregoing concessioner has performed his obligation under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the

Service is also required to consider and evaluate all proposals received as a result of this notice.

WELDON W. GRATTON,
Superintendent of Flaming
Gorge National Recreation
Area Project.

MARCH 22, 1966.

[F.R. Doc. 66-4835; Filed, May 3, 1966;
8:47 a.m.]

Office of the Secretary

GEORGE E. MILLICAN

Report of Appointment and Statement of Financial Interests

MARCH 24, 1966.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: George E. Millican.
Name of employing agency: Office of Oil and Gas.

The title of the appointee's position: Deputy Regional Administrator, Emergency Petroleum and Gas Administration.

The name of the appointee's private employer or employers: (Retired) Gulf Oil Corp., Atlanta, Ga.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 25, 1966, as Deputy Regional Administrator, Emergency Petroleum and Gas Administration, an officer or director:

Retired as Vice President, Domestic Marketing, Gulf Oil Corp., December 31, 1965.
Alderman, city of Atlanta, for 4-year period expiring December 31, 1969.
Director, United Trust Life Insurance Co., Atlanta, Ga.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Gulf Oil Corp.
United States Sugar Corp.
Socony-Mobil Oil Corp.
Rich's, Inc., Atlanta, Ga.
Georgia International Life Insurance Co., Atlanta.
United Trust Life Insurance Co., Atlanta.
Phoenix Investment Corp., Atlanta.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

GEORGE E. MILLICAN.

APRIL 25, 1966.

[F.R. Doc. 66-4822; Filed, May 3, 1966;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 10, set forth below, to Facility License No. R-84 to the Armed Forces Radiobiology Research Institute (AFRRI), Bethesda, Md. The amendment authorizes AFRRI to increase the maximum pulsed reactivity insertions in its TRIGA Mark F nuclear reactor from 1.9 percent $\Delta k/k$ to 2.3 percent $\Delta k/k$, as requested in the application for license amendment dated April 1, 1966, subject to certain provisions.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated April 1, 1966, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 25th day of April, 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director,

Division of Reactor Licensing.

[License No. R-84; Amdt. No. 10]

AMENDMENT TO FACILITY LICENSE

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for amendment dated April 1, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

c. Prior public notice of proposed issuance of amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

License No. R-84, issued to Armed Forces Radiobiology Research Institute, is hereby amended in the following respects:

1. Paragraph 4.A.(3) is revised in its entirety to read as follows:

"4.A.(3) Mode II—Armed Forces Radiobiology Research Institute may operate the reactor by pulsing with reactivity insertions up to a maximum of 2.3 percent $\Delta k/k$, provided (a) that during the initial approach to the new maximum limit of 2.3 percent $\Delta k/k$ reactivity insertion limit, the pulse size is increased from 1.9 percent $\Delta k/k$ to 2.3 percent $\Delta k/k$ in four approximately equal increments with not less than five pulses conducted within each increment step, and (b) the fuel elements in the B and C rings are inspected after the first 50 pulses above 1.9 percent $\Delta k/k$,"

as described in its application for license amendment dated April 1, 1966.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Date of issuance: April 25, 1966.

Director,
Division of Reactor Licensing.

[F.R. Doc. 66-4810; Filed, May 3, 1966;
8:45 a.m.]

[Docket No. 50-224]

REGENTS OF UNIVERSITY OF CALIFORNIA

Notice of Issuance of Construction Permit Amendment

Please take notice that the Atomic Energy Commission has issued effective as of the date of issuance, Amendment No. 1 to Construction Permit No. CPRR-83. The construction permit authorizes the Regents of the University of California at Berkeley, Calif., to construct a TRIGA Mark III nuclear reactor located on the campus at Berkeley, Calif. The amendment authorizes the insertion into the reactor for testing purposes of three control rods having fueled followers and two instrumented fuel elements, as described in the application amendment dated March 31, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission

will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated March 31, 1966, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of April 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[Construction Permit No. CPRR-83;
Amdt. No. 1]

AMENDMENT TO CONSTRUCTION PERMIT

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Testing of the reactor components in accordance with the permit, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

(3) Prior public notice of proposed issuance of the amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Construction Permit No. CPRR-83, issued to the Regents of the University of California in Berkeley, Calif., is amended by adding a new subparagraph C. to paragraph 3. as follows:

"C. University of California at Berkeley, Calif., is authorized in the construction of the facility to insert into the reactor for testing purposes three control rods having fueled followers and two instrumented fuel elements."

This amendment is effective as of the date of issuance.

Date of issuance: April 21, 1966.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 66-4811; Filed, May 3, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-23590]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1966.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated March 25, and April 8 and 18, 1966,¹ as set forth in the attachment hereto,² (1) names a rate under a new commodity description, (2) names additional rates under existing commodity descriptions, and (3) reduces the minimum weight requirement for an existing specific commodity rate. The agreed rates reflect reductions ranging from 17.7 to 88.0 percent and are consistent with the present level of specific commodity rates within the applicable area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 18683, R-8 through R-14, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-4849; Filed, May 3, 1966;
8:48 a.m.]

[Docket No. 16984]

LOS ANGELES/SAN FRANCISCO-VANCOUVER CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 1, 1966, at 10 a.m. e.d.s.t.,

¹ Received in the Board Mar. 29, Apr. 14 and 20, 1966, respectively.

² Attachment filed as part of original document.

in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., April 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-4850; Filed, May 3, 1966;
8:48 a.m.]

[Docket No. 11749]

AIRLIFT RENEWAL PROCEEDING Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on May 25, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 28, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-4851; Filed, May 3, 1966;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16565-16571; FCC 66M-595]

AMERICAN TELEPHONE & TELEGRAPH CO. AND UNITED TELEPHONE CO.

Order Continuing Hearing

In re applications of American Telephone & Telegraph Co., Docket No. 16565, File No. 114-C1-P-66; for a construction permit to add new facilities to Station KQF58 in the Domestic Public Point-to-Point Microwave Radio Service at West Unity, Ohio. Docket No. 16566, File No. 122-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Bluffton, Ohio. Docket No. 16567, File No. 123-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Ayersville, Ohio. The United Telephone Co., Docket No. 16568, File No. 3292-C1-P-66; for a construction permit to add new facilities to Station KQI71 in the Domestic Public Point-to-Point Microwave Radio Service at West Unity, Ohio. Docket No. 16569, File No. 3293-C1-P-66; for a construction permit to add new facilities to Station KQI72 in the Domestic Public Point-to-Point Microwave Radio Service at Napoleon, Ohio. Docket No. 16570, File No. 3294-C1-P-66; for a construction permit to add new facilities to Station KQI73 in the Domestic Public Point-to-Point Microwave Radio Service at Ottawa, Ohio. Docket No. 16571, File No. 3295-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-

Point Microwave Radio Service at Bluffton, Ohio.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 27th day of April 1966, that the hearing presently scheduled to commence on May 20, 1966, be and the same is hereby continued to May 25, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4859; Filed, May 3, 1966;
8:49 a.m.]

[Docket No. 16612; FCC 66-395]

STAR STATIONS OF INDIANA, INC.

Order Designating Applications for Hearing on Stated Issues

In re applications of Star Stations of Indiana, Inc., Docket No. 16612, File No. BR-1144, BRH-1267; for renewal of licenses of Stations WIFE AM-FM, Indianapolis, Ind.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1966;

1. The Commission has before it for consideration (1) the above-captioned applications for renewal of licenses of Stations WIFE AM-FM, Indianapolis, Ind.; and (2) the Commission's field inquiry with respect to the operations of Stations WIFE AM-FM.

2. The Commission's inquiry into the operations of Stations WIFE AM-FM raises a number of serious questions bearing upon whether Star Stations of Indiana, Inc., possesses the qualifications to remain the licensee of WIFE AM-FM.

3. In view of these questions the Commission is unable to find that a grant of the above-captioned applications for renewal of licenses would serve the public interest, convenience and necessity and must, therefore, designate these applications for a hearing.

4. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for a hearing to be held at Indianapolis, Ind., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the facts as to the "Eaton Water Filter" contest carried by the applicant in October 1964.

(2) To determine the facts as to the "Mystery Santa Claus" contest carried by the applicant in December 1964.

(3) To determine whether from on or before October 1964, until at least May 1965, the applicant furnished numerous affidavits of performance or invoices to various advertisers or advertising agencies containing false or misleading information with respect to times and dates of advertising broadcast on WIFE;

(4) To determine on the basis of the facts adduced in responses to issues one through three whether the applicant misled or defrauded the public, advertisers, or their agencies.

(5) To determine whether, in light of the findings and conclusions made under the foregoing issues and the fact that short-term renewals for WIFE AM-FM were granted by Commission action on October 28, 1964 (see 3 R.R. 2d 745, FCC 64-998), a grant of the above-captioned applications would serve the public interest, convenience, and necessity.¹

5. *It is further ordered*, That the Chief, Broadcast Bureau shall furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues. See Dispatch, Inc., 10 R.R. 1190.

6. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the Commission's rules.

Released: April 28, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4860; Filed, May 3, 1966;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-29]

HONG KONG TONNAGE CEILING AGREEMENT

Order To Show Cause

By its order dated September 28, and served October 4, 1965, the Commission approved Agreement 9431 (9431), as filed on March 4, 1965, on behalf of 17 carriers, also members of the New York Freight Bureau (Hong Kong), Agreement No. 5700, as amended (Bureau),

¹ With respect to issue 5 above, it is pertinent to note that the final paragraph of the Commission's letter granting the short term renewals for WIFE AM-FM states that the decision to renew the licenses for 1 year "... thus affords the Commission an early opportunity to reexamine your operations and determine the degree of responsibility which you have exhibited during the year."

² Commissioner Hyde dissenting and stating "I would favor a prehearing letter"; Lee dissenting; Loevinger absent.

provided that the carriers modify 9431 to conform with two proposed modifications set forth in the Commission's order. The order specified that approval of 9431 was to become effective at such time as the Commission received written notice that the parties had agreed to the Commission's proposed modifications, but that such approval was to become null and void unless 9431, as modified, was filed with the Commission within 60 days from the date of service of the order. The time for acceptance and re-filing by the parties was later extended to include February 3, 1966.

By telegram received by the Commission on January 21, 1966, States Marine Lines, Inc., a party to Agreements Nos. 5700 and 9431 lodged its "dissent to reviving or renewing" 9431 on the ground that "changed conditions in the trade" no longer rendered it "valid or necessary." Consequently, the Commission withdrew its conditional approval by telegram dated January 24, 1966, directed to the parties through the Bureau's office in Hong Kong. By telegram received February 2, 1966, the Bureau informed the Commission that at least 15 of the 17 subscribers to 9431 had voted to accept the Commission's conditions of approval and that the requisite re-filing would be made by February 3, 1966. By reply telegram, the Bureau was informed that since the Commission's approval had already been withdrawn, the Bureau's acceptance was "without effect." A Bureau petition for reconsideration of the Commission's withdrawal of approval was denied by Commission order of February 16, 1966, for the reasons set forth therein. At the same time, a docketed proceeding (66-6), initiated by the Commission at States Marine's request, was discontinued for those reasons dictating denial of the petition for reconsideration.

On March 25, 1966, the Bureau filed another petition with the Commission praying that it be accorded "immediate section 15 action" with respect to 9431 either in the form of an unqualified approval of 9431 as originally filed on March 4, 1965, or a hearing pursuant to section 15 of the Shipping Act, 1916, as amended, directed to the issue of whether or not 9431 should be approved, disapproved, or modified to conform with the statutory criteria of approvability set forth in that section.

The Commission believes, however, that it cannot undertake to approve or disapprove 9431 at this time for the following reasons:

Firstly, section 15 requires that carriers file a "true copy" of anticompetitive arrangements to which they "may be a party or conform in whole or in part."

Secondly, there is no apparent statutory authority for the Commission to compel participation in such arrangements against the will of a carrier.

In consideration of the facts narrated above, it appears that 9431 may no longer represent a "true copy" of an anticompetitive agreement among carriers and

that the Commission may have no authority under section 15 to approve or disapprove 9431 since at least one party to the agreement; namely, States Marine Lines, Inc., no longer desires to participate and apparently urges disapproval if it is required to participate.

The above matters do not involve questions of fact requiring an evidentiary hearing.

Now, therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended;

It is ordered, That the common carriers by water designated in Appendix A hereto the signatures of which appear on the document designated Agreement 9431 as originally filed with the Commission on March 4, 1965, show cause why the document designated Agreement 9431 should not be rejected as failing to constitute an agreement between all of said carriers within the meaning of section 15 or in the alternative why the document designated Agreement 9431 should not be disapproved under section 15 for the same reason and for the additional reasons that the document no longer constitutes a "true copy" of the agreement between only the carriers party thereto, and that the Commission is without statutory authority to compel a common carrier by water to participate in an agreement to which it is not a party and against its will.

In aid of resolution of the issues herein and with particular attention to the facts of this proceeding, the Commission desires the parties to this proceeding to brief the following questions:

1. May the Commission reject a document purporting to be an agreement filed for section 15 approval when it is established that a carrier signatory thereto, is at the time approval is to be granted, no longer a party thereto, or must the Commission "disapprove" such a document within the meaning of section 15?

2. What effect does the failure of a carrier originally a party to an agreement filed under section 15 to accept modification imposed by the Commission as a condition precedent to its approval have,

a. On the agreement itself?, and
b. On the dissenting carrier's status under the agreement?

3. Under what statutory provision, if any, may the Commission compel the participation by a common carrier by water in foreign commerce in an agreement to which it is not a party or against its will?

4. May the Commission modify Agreement 9431 so as to delete therefrom any carrier not a party to the agreement and then proceed to a determination of what action to take under section 15?

5. Is Agreement 9431 governed by any of the provisions of Agreement 5700 as amended to date?

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business May 20,

1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business May 31, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at a date and time to be announced later.

It is further ordered, That the carriers indicated in Appendix A are hereby made respondents in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent;

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than the close of business May 13, 1966, with copy to respondents.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

APPENDIX A

New York Freight Bureau, Hong Kong, D. Parker, Chairman/Secretary, P & O Building, Des Voeux Road Central, Hong Kong, British Crown Colony.
American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
Barber-Williams Line—Joint Service, c/o Barber Steamship Line, Inc., 17 Battery Place, New York, N.Y., 10004.
Blue Sea Line, c/o Funch, Edye & Co., 25 Broadway, New York, N.Y., 10004.
Central Gulf Steamship Corp., 1 Whitehall Street, New York, N.Y., 10004.
Japan Line, Ltd., c/o A. L. Burbank & Co., Ltd., 120 Wall Street, New York, N.Y., 10005.
Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., 51 Broad Street, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y., 10004.
Marchessini Lines, c/o P. D. Marchessini & Co., Inc., 26 Broadway, New York, N.Y., 10004.
Maritime Co. of the Philippines, Inc., c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y., 10004.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y., 10004.
Moller-Maersk Lines, A. P., c/o Moller Steamship Co., Inc., 67 Broad Street, New York, N.Y., 10004.
Nedlloyd Lines, Inc., 25 Broadway, New York, N.Y., 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y., 10004.
States Marine Lines—Joint Service, c/o States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
United Philippine Lines, Inc., c/o Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y., 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y., 10004.
Yamashita-Shinnihon Steamship Co., Ltd., c/o Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y., 10004.

[F.R. Doc. 66-4847; Filed, May 3, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10148, etc.]

GULF OIL CORP., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

APRIL 26, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-10148 D 4-18-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102 (partial abandonment).	Cities Service Gas Co., Rhodes Pool, Barber County, Kans.	Depleted	-----
G-19200 D 4-18-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	Assigned	-----
CI61-28 C 4-18-66	J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo., 80203.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	¹ 18.0	14.65
CI61-244 E 4-15-66	Skelly Oil Co. (successor to Cyprus Mines Corp.), Post Office Box 1650, Tulsa Okla., 74102.	Lone Star Gas Co., Marlow (Beaver Field) Plant, Stephens County, Okla.	² 15.0	14.65
CI63-355 4-18-66 ³	Ainslie Perrault (Operator), et al. (formerly J. L. Mills, et al.), c/o Richard L. Harris, attorney, 602 National Bank of Tulsa Bldg., Tulsa, Okla., 74101.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
CI64-49 C 2-7-66	Belco Petroleum Corp., 630 3d Ave., New York, N.Y., 10017.	El Paso Natural Gas Co., San Juan Basin Field, San Juan County, N. Mex.	13.0	15.025
CI64-1325 D 4-4-66	Texaco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex., 77052.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	(4)	-----
CI64-1389 C 4-20-66	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex., 76107.	Northern Natural Gas Co., Northwest Flats Field, Texas County, Okla.	15.0	14.65
CI65-54 C 4-15-66	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., South Milton Area, Le Flore County, Okla.	15.0	14.65
CI65-180 C 2-7-66	Belco Petroleum Corp.	El Paso Natural Gas Co., San Juan Basin Field, San Juan County, N. Mex.	13.0	15.025
CI65-549 C 4-8-66	A. M. van Flick, agent for Jennings Petroleum Corp., 826 First National Bldg., Oklahoma City Okla., 73102.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI65-706 E 4-11-66	Irl A. Nichols (successor to GMC Oil & Gas Corp., et al.), Post Office Box 279, Duncan, Okla., 73533.	Michigan Wisconsin Pipe Line Co., Richmond Pool, Woodward County, Okla.	⁴ 17.0	14.65
CI65-817 C 4-7-66	A. M. van Flick, agent for Jennings Petroleum Corp., 826 First National Bldg., Oklahoma City, Okla., 73102.	Equitable Gas Co., Otter District, Braxton County, W. Va.	25.0	15.325
CI65-875 C 4-18-66	CWM and VLM Trust, 2300 First National Bank Bldg., Dallas, Tex., 75202.	El Paso Natural Gas Co., Basin Dakota and Blanco Mesaverde Fields, San Juan County, N. Mex.	13.0	15.025
CI65-1159 C 4-18-66	Tenneco Oil Co., et al., Post Office Box 2511, Houston, Tex., 77001.	El Paso Natural Gas Co., Ignacio Mesaverde Field, La Plata County, Colo.	13.0	15.025
CI65-1205 E 4-19-66	Union Texas Petroleum, a division of Allied Chemical Corp. (successor to Anschutz Oil Co., Inc. (Operator), et al.), Post Office Box 2180, Houston, Tex., 77001.	Cities Service Gas Co., Northeast Forest City Field, Barber County, Kans.	14.0	14.65
CI66-650 A 1-24-66 ⁵ 4-19-66 ^{6a}	Grace Park, et al., 281 Jefferson St., Brookville, Pa., 15825.	United Natural Gas Co., acreage in Clarion County, Pa.	⁷ 24.0	14.73
CI66-970 A 4-11-66	Blain M. Mead, Box 661, 101 Lookout St., Warren, Pa., 16365.	Pennsylvania Gas Co., Mead Township, Warren County, Pa.	27.0	15.025
CI66-972 B 4-8-66	The British-American Oil Producing Co., Post Office Box 749, Dallas, Tex., 75221.	Texas Gas Transmission Corp., South Bayou Mallet, Acadia Parish, La.	Depleted	-----
		Tennessee Gas Transmission Co., ⁸ West Rock Island Field, Colorado County, Tex.	Depleted	-----
		Mountain Fuel Supply Co., Potter Mountain Field, Sweetwater County, Wyo.	Depleted	-----
		Champlin Petroleum Co., ⁹ Munger Field, Oklahoma County, Okla.	Depleted	-----
		Champlin Petroleum Co., ⁹ Witcher-Munger Field, Oklahoma County, Okla.	Depleted	-----
		Kansas-Nebraska Natural Gas Co., Inc., Walker Field, Logan County, Colo.	Depleted	-----
CI66-973 B 4-8-66	do	Socony Mobil Oil Co., Inc. (formerly Magnolia Petroleum Co.), Cameron Field, Cameron Parish, La.	(10)	-----
CI66-981 A 4-12-66	Southern Minerals Corp., Post Office Box 716, Corpus Christi, Tex., 78403.	Texas Eastern Transmission Corp., acreage in Nueces County, Tex.	14.0	14.65
CI66-982 A 4-14-66	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex., 76107.	Northern Natural Gas Co., acreage in Texas County, Okla.	17.0	14.65
CI66-983 A 4-15-66	Shenandoah Oil Corp. (Operator), et al., 406 Mutual Savings Bldg., Fort Worth, Tex., 76102.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	¹¹ 17.5	14.65
CI66-985 B 4-15-66	Jack Properties, Inc. (successor to South Texas Oil & Gas Co.), c/o Robert L. Blevins, Jr., attorney, Fulbright, Crooker, Freeman, Bates & Jaworski, Bank of the Southwest Bldg., Houston, Tex., 77002.	Tennessee Gas Transmission Co., ⁸ Morales Field, Jackson County, Tex.	Depleted	-----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-986. B 4-15-66	do	Tennessee Gas Transmission Co., ¹ Tolson or Nursery Field, Victoria County, Tex.	Depleted	-----
CI66-987. A 4-15-66	Neville G. Penrose, et al., 1605 Commerce Bldg., Fort Worth, Tex., 76102.	El Paso Natural Gas Co., Ignacio- Blanco Field, La Plata County, Colo.	13.0	15.025
CI66-988. A 4-18-66	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Panhandle Eastern Pipe Line Co., South Feldman Field, Hemphill County, Texas and South Bishop Field, Ellis County, Okla.	¹¹ 17.0	14.65
CI66-990. A 4-15-66	Hamilton Brothers, Ltd., c/o James E. Horgan, Horgan & Thompson, 1610 Denver Club Bldg., Denver, Colo., 80202.	Northern Natural Gas Co., acreage in Texas County, Okla.	15.0	14.65
CI66-991. B 4-18-66	Monsanto Co., 1300 Main St., Houston, Tex., 77002.	Arkansas Louisiana Gas Co., Ada Field, Bienville Parish, La.	Depleted	-----
CI66-992. (G-16993) F 4-18-66	Graham-Michaelis Drilling Co. (successor to Champlin Petro- leum Co.), ² 211 North Broad- way, Graham Bldg., Wichita, Kans., 67202.	Cities Service Gas Co., Aetna Field, Barber County, Kans.	¹² 14.0	14.65
CI66-993. B 4-18-66	W. V. Hardin, 1404 Capital Na- tional Bank Bldg., Austin, Tex., 78710.	United Gas Pipe Line Co., Weesatche Field, Goliad County, Tex.	(¹³)	-----
CI66-995. A 4-18-66	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Panhandle Eastern Pipe Line Co., Checkerboard Field, Hemphill County, Tex.	17.0	14.65
CI66-996. A 4-18-66	Midwest Oil Corp., 1700 Broad- way, Denver, Colo., 80202.	Arkansas Louisiana Gas Co., Centra- homa Field, Coal County, Okla.	15.0	14.65
CI66-997. A 4-18-66	Olive H. Daube and Carol Daube Sutton d.b.a. The Daube Co., Post Office Box 758, Ardmore, Okla., 73401.	Lone Star Gas Co., acreage in Jeffer- son County, Okla.	15.0	14.65
CI66-999. B 4-15-66	Strata Drilling, Inc., et al., Post Office Box 355, Great Bend, Kans., 67530.	Panhandle Eastern Pipe Line Co., Childs Pool, Stafford County, Kans.	(¹⁴)	-----
CI66-1001. A 4-20-66	H. D. Bruns (Operator), et al., ¹⁵ 1122 Jefferson Bldg., Houston, Tex., 77002.	Lone Star Gathering Co., Speary Field Area, Karnes County, Tex.	¹⁴ 16.0	14.65
CI66-1002. A 4-18-66	Fairmont Oil Co. (successor to Robinson Brothers), Box 43, James City, Pa., 16734.	Pennsylvania Gas Co., Barnes Field, Sheffield Township, Warren County, Pa.	(¹⁶)	14.73

¹ Includes 1.0 cent per Mcf upward B.t.u. adjustment.

² Rate in effect subject to refund in Docket No. RI64-8.

³ Amendment to certificate filed to reflect change in Operator.

⁴ Deletes expired leases.

⁵ Plus B.t.u. adjustment.

⁶ Application previously noticed Mar. 3, 1966 in Docket Nos. G-4824, et al. at a total initial rate of 21.67 cents per Mcf.

⁷ Amendment to application filed to reflect a total initial rate of 24.0 cents per Mcf in lieu of 21.67 cents.

⁸ Contract (dated July 28, 1953) provides for a sliding scale of rates depending upon the volume of gas sold each month. Rates range from 24.0 cents to 29.0 cents per Mcf.

⁹ Now Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

¹⁰ Formerly Champlin Oil & Refining Co.

¹¹ The sale under the subject rate schedule was a temporary one which was made only to hold the leases. A long term contract has been entered into between Applicant and another purchaser.

¹² Subject to upward and downward B.t.u. adjustment.

¹³ Rate currently being collected subject to refund in Docket No. RI65-380.

¹⁴ No longer produces in commercial quantities.

¹⁵ Lack of gas.

¹⁶ Contract rate is 18.0 cents. Applicant states its willingness to accept certificate conditioned at 16.0 cents per Mcf.

¹⁷ Price is 28.0 cents per Mcf for 7 months; 32.0 cents per Mcf for 5 months.

[F.R. Doc. 66-4767; Filed, May 3, 1966; 8:45 a.m.]

[Docket Nos. RI66-345, etc.]

SINCLAIR OIL & GAS CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

APRIL 27, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

¹ Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought

to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the

rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 6, 1966.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-345	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	303	8	Trunkline Gas Co. (Clear Creek Field, Beauregard Parish, La.), (South Louisiana).	\$1,349	4-1-66	*5-2-66	10-2-66	*17.7	*19.5	
	do.	308	9	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis County, Miss.).	29,053	4-1-66	*5-2-66	10-2-66	*14.0	*21.0	
	do.	313	7	Transcontinental Gas Pipe Line Corp. (Gueydan Field, Vermilion Parish, La.) (South Louisiana).	4,226	4-1-66	*5-2-66	10-2-66	*17.5	*19.5	
	do.	306	7	United Gas Pipe Line Co. (Bayou Rambio Field, Terrebonne Parish, La.) (South Louisiana).	103,801	4-4-66	*5-5-66	10-5-66	*17.75	*23.05	
	do.	309	7	United Gas Pipe Line Co. (DeLange Field, Terrebonne Parish, La.) (South Louisiana).	78,835	4-4-66	*5-5-66	10-5-66	*17.75	*23.05	
	do.	310	7	United Gas Pipe Line Co. (Dulac Field, Terrebonne Parish, La.) (South Louisiana).	192,452	4-4-66	*5-5-66	10-5-66	*17.75	*23.05	
	do.	314	6	United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, La.) (South Louisiana).	17,636	4-4-66	*5-5-66	10-5-66	*15.75	*22.75	
RI66-346	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 521, Tulsa, Okla., 74102.	304	12	Trunkline Gas Co. (Ragley Field, Beauregard Parish, La.) (South Louisiana).	1,392	4-1-66	*5-2-66	10-2-66	*17.7	*19.5	
RI66-347	Braden-Deem, Inc., Agent (Operator), et al., 210 One Twenty Building, Wichita, Kans., 67202.	1	3	Panhandle Eastern Pipe Line Co. (Carver-Robbins Field, Pratt County, Kans.).	1,594	4-7-66	*5-8-66	10-8-66	15.0	*16.0	
	do.	2	3	do.	1,063	4-7-66	*5-8-66	10-8-66	15.0	*16.0	
	do.	3	2	do.	1,063	4-7-66	*5-8-66	10-8-66	15.0	*16.0	
	do.	4	2	do.	1,063	4-7-66	*5-8-66	10-8-66	15.0	*16.0	
	do.	5	2	do.	1,063	4-7-66	*5-8-66	10-8-66	15.0	*16.0	
	do.	6	3	do.	558	4-7-66	*5-8-66	10-8-66	15.0	*16.0	
	do.	7	3	do.	797	4-7-66	*5-8-66	10-8-66	15.0	*16.0	

* The stated effective date is the first day after expiration of the statutory notice.

* Periodic rate increase.

* Pressure base is 15.025 p.s.i.a.

* Includes 1.5 cents per Mcf tax reimbursement.

* Settlement rate as provided by Commission order of Dec. 30, 1963, in Docket Nos. G-9476, et al. Moratorium provision expired Apr. 1, 1966.

* Includes 2.05 cents per Mcf tax reimbursement.

* Includes 1.75 cents per Mcf tax reimbursement.

* The stated effective date is the effective date requested by Respondent.

* Pressure base is 14.65 p.s.i.a.

The proposed increases submitted by Sinclair Oil & Gas Co., successor to Texas Gulf Producing Co. (Texas Gulf) are filed under rate schedules included in Texas Gulf's rate settlement approved by the Commission's order issued December 30, 1963, in Docket Nos. G-9476, et al. The moratorium period imposed by such settlement for filing rate increases under the rate schedules involved expired on April 1, 1966.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 66-4817; Filed, May 3, 1966; 8:45 a.m.]

[Docket No. E-7287]

INTERSTATE POWER CO.

Notice of Application

APRIL 27, 1966.

Take notice that on April 20, 1966, the Interstate Power Co. (Applicant), a public utility incorporated under the laws of the State of Delaware and domesticated in the States of Illinois, Iowa, Minnesota, and South Dakota, filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the

issuance and sale of unsecured promissory notes up to but not exceeding \$18,130,000 principal amount.

According to the application, Applicant proposes to borrow from time to time an amount not exceeding \$18,130,000 of which not more than \$16,000,000 of notes will be outstanding at any one time. Applicant proposes to borrow this amount from the Chase Manhattan Bank (National Association) and Manufacturers Hanover Trust Company. These borrowings will be evidenced by notes to be dated the dates of their respective deliveries and will be expressed to mature 1 year from the date of their respective dates, or August 31, 1967, whichever date shall be earlier. The rate of interest will be the prime commercial rate of interest of the Chase Manhattan Bank (National Association) for unsecured borrowings prevailing five business days prior to the date of each borrowing.

Applicant states that the net proceeds from the issuance of the notes will be used to carry out its 1966 construction program estimated to cost \$21,742,000. The principal items in this program are the construction of Applicant's Milton L. Kapp generating plant, Unit No. 2, at Clinton, Iowa, which will require an expenditure of \$9.4 million in 1966 and the

construction of a 55-mile portion of the 345 kv transmission line from Twin Cities to St. Louis which is expected to cost \$1.8 million in 1966.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4813; Filed, May 3, 1966; 8:45 a.m.]

[Docket No. G-18119, etc.]

McCULLOCH OIL CORP. OF CALIFORNIA

Order Amending Orders Issuing Certificates, Substituting Applicant, Substituting Respondent, Redesignating Proceedings, and Requiring Filing of Agreement and Undertaking

APRIL 27, 1966.

On March 14, 1966, McCulloch Oil Corp. of California (Petitioner) filed a

petition to amend the orders issuing certificates of public convenience and necessity to Compass Exploration, Inc., by authorizing Petitioner to continue the sales of natural gas authorized therein, all as more fully set forth in the petition.

Petitioner has merged Compass Exploration, Inc., and proposes to continue the sales of natural gas heretofore authorized to be made by Compass Exploration, Inc. Petitioner was the sole shareholder of Compass Exploration, Inc., prior to the merger.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates to Compass Exploration, Inc., be amended, that the related rate schedules be redesignated, that Petitioner be substituted in lieu of Compass Exploration, Inc., in pending proceedings and that Petitioner be required to file an agreement and undertaking, all to reflect the merger by Petitioner of Compass Exploration, Inc.

The Commission orders:

(A) The orders issuing certificates to Compass Exploration, Inc., in the following dockets are amended by substituting Petitioner as certificate holder, and the related FPC gas rate schedules are redesignated accordingly:

Certificate docket No.	Compass Exploration, Inc., FPC Gas Rate Schedule No.	McCulloch Oil Corp. of California, FPC Gas Rate Schedule No.
G-18119	11	14
G-19220	12	15
CI61-299	13	16
CI61-564	14	17
CI61-1184	15	18
CI62-107	16	19
CI62-570	17	110
CI62-598	18	111
CI64-271	19	112
CI64-270	110	113
CI61-1523	11	14
CI65-289	12	15

¹ (Operator), et al.

(B) Petitioner is substituted in lieu of Compass Exploration, Inc., as applicant in the pending application filed December 30, 1965, to amend the order issuing a certificate in Docket No. CI64-271, and the proceeding is redesignated accordingly.

(C) Petitioner is substituted in lieu of Compass Exploration, Inc., as respondent in the proceeding pending in Docket No. RI64-475, and the proceeding is redesignated accordingly.

(D) Within 30 days from the issuance of this order Petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64-475 to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(E) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI64-475 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Suggested agreement and undertaking.

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent -----)

Docket No. -----

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ---- (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto¹), this ----- day of -----, 196--.

By -----

(Name of Respondent)

Attest:

[F.R. Doc. 66-4814; Filed, May 3, 1966; 8:45 a.m.]

[Project No. 1899]

PENNSYLVANIA ELECTRIC CO.

Notice of Application for Surrender of License for Constructed Project

APRIL 27, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pennsylvania Electric Co. (correspondence to: R. F. Pruner, Secretary, Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pa., 15907) for surrender of the license for constructed Project No. 1899, known as the Oakland Hydroelectric Project, located on the North Branch of the Susquehanna River in Susquehanna County, Pa.

The existing project consists principally of a dam, reservoir, powerhouse with installed capacity of 700 horsepower, and appurtenant electrical and mechanical facilities.

The application states that: Neither the operation of the existing project nor its redevelopment is economically feasible; the small capacity of electric energy which would be lost by discontinuance of operation of the project can readily be replaced economically from other sources; and that the project site is unattractive and not suitable for recreation or other beneficial uses. Applicant plans to remove the powerhouse upon

¹ If a corporation.

Commission approval of its application for surrender.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 14, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4815; Filed, May 3, 1966; 8:45 a.m.]

[Docket No. CP66-327]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 27, 1966.

Take notice that on April 15, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP66-327 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of minor lateral and field facilities to enable it to take into its certificated main pipeline system natural gas purchased from producers thereof in the general area of its existing transmission system from time to time during the 12-month period following the date of authorization.

The application states that the purpose of this "budget-type" application is to authorize Applicant to establish additional connections in fields from which Applicant is already authorized to receive gas where it is not possible to construct facilities under the exemption provided by § 2.55(d) of the Commission's rules, to provide necessary booster compressor facilities in such fields, and to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total estimated cost of Applicant's proposed construction is not to exceed \$2,000,000, with no single project to exceed a cost of \$500,000, and will be financed from cash on hand or alternatively by short term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4816; Filed, May 3, 1966;
8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. No. F-7]

ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Delegation of Authority To Represent Customer Interest of Federal Government in Transportation Service Proceeding

To: Heads of Federal agencies.

1. *Purpose.* This regulation delegates authority to the Administrator, National Aeronautics and Space Administration to represent the customer interest of the Federal Government in a transportation service proceeding.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4), 205(d), and 205(e), authority is delegated to the Administrator, National Aeronautics and Space Administration to represent the interests of the executive agencies of the Federal Government before the Interstate Commerce Commission in proceedings concerning the transportation of liquid helium by motor carriers.

b. The Administrator, National Aeronautics and Space Administration may redelegate this authority to any officer, official, or employee of the National Aeronautics and Space Administration.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

3. *Effective date.* This regulation is effective April 2, 1966.

4. *Expiration date.* Unless sooner revoked, this regulation expires with termination of the subject proceeding.

Dated: April 26, 1966.

J. E. MOODY,
Acting Administrator
of General Services.

[F.R. Doc. 66-4834; Filed, May 3, 1966;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

APRIL 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5 7/8 percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1969, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period April 29, 1966, through May 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-4827; Filed, May 3, 1966;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Madison, Wis.,
Regional Office; Rev. 1]

MADISON, WIS., REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority 30, Midwestern Area, 30 F.R. 3252; as amended, 30 F.R. 7686 and 8599; and 30 F.R. 13556; Delegation of Authority 30 F.R. 7629 is hereby revised to read as follows:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations* (delegated to the positions as indicated below). To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations* (delegated to the positions as indicated below). To determine the eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division* (and Assistant Chief, if assigned). 1. Item I.A. (size determinations for financial assistance only).

2. Item I.B. (eligibility determinations for financial assistance only).

3. To approve business and disaster loans not exceeding \$350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations,

releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs or claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Working Supervisor or Chief, Loan Processing.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C.6 through 10.

4. Item I.A. (size determinations for financial assistance only).

5. Item I.B. (eligibility determinations for financial assistance only).

E. *Working Supervisor or Chief, Loan Administration.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C. 12, only the authority for servicing administration and collection, including subitems a. and b.

F. *Working Supervisor or Chief, Loan Liquidation.* Item I.C. 12, only the authority for liquidation, including collateral purchased, and subitems a. and b.

G. *To Loan Specialists GS-9 and above assigned to all financial assistance division programs in all offices of this region.* Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.

2. Release of dividends of life insurance or consent to application against premiums.

3. Minor modifications in the authorizations.

4. Extension of disbursement period.

5. Extension of initial principal payments.

6. Adjustment of interest payment dates.

7. Release of hazard insurance checks not in excess of \$200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (size determinations on PMA activities only).

2. Item I.B. (eligibility determinations on PMA activities only).

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; (d) issue Government bills of lading; and (e) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegation of Authority prior to the date hereof.

Effective date. April 18, 1966.

LAWRENCE J. HAYES,
Regional Director, Madison, Wis.

[F.R. Doc. 66-4828; Filed, May 3, 1966;
8:46 a.m.]

MANAGER, DISASTER FIELD OFFICE, NEW ORLEANS, LA.

Designation

Pursuant to the authority delegated to the Program Coordinator, Disaster Area, State of Louisiana, by Delegation of Authority No. 30-6 (southwest area—Dallas), Disaster No. 7, effective February 1, 1966, I hereby appoint the following employee to serve as Manager, Disaster Field Office, New Orleans, La.: J. B. Alexander.

This designation shall remain in effect until revoked in writing.

Effective beginning of business April 25, 1966.

JAMES R. WOODALL,
Program Coordinator, Disaster Area.
[F.R. Doc. 66-4829; Filed, May 3, 1966;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 913]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 29, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not neces-

sarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 94265 (Sub-No. 178) (Republication), filed April 11, 1966, published *FEDERAL REGISTER* issue of April 28, 1966, and republished this issue. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pine plywood*, in sheets, from Emporia, Va., to points in North Carolina, South Carolina, Pennsylvania, Delaware, Maryland, New Jersey, New York, Michigan, Ohio, Illinois, Indiana, and the District of Columbia. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: June 7, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 107871 (Sub-No. 48), filed April 18, 1966. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse, N.Y., 13201. Applicant's representative: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Flexi-Flo rail-motor interchange terminal facilities on the lines of the New York Central Railroad Co., located in New Jersey, exclusive of team tracks or other public facilities, to points in New Jersey, Suffolk, Nassau, Westchester, Rockland, Putnam, Dutchess, Orange, Sullivan, Greene, Columbia, and Ulster Counties, N.Y., Fairfield, New Haven, Litchfield, Hartford, and Middlesex Counties, Conn., and New York, N.Y., restricted to shipments having a prior movement by rail. NOTE: Applicant states no duplicative authority is sought.

HEARING: June 6, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 118130 (Sub-No. 48) (Republication), filed March 23, 1966, published in *FEDERAL REGISTER* April 14, 1966, and amended and republished this issue. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potato products*, and *potato products when transported in mixed shipments with exempt commodities*, from points in Colorado to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas. NOTE:

The purpose of this republication is to reflect the hearing information and to delete the States of Arizona and California.

HEARING: May 11, 1966, in Room 15036, New Courthouse and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner George A. Dahan.

NOTICE OF FILING OF PETITION

No. MC 103490 (Sub-No. 36) (Notice of filing of petition seeking modification of certificate), filed April 21, 1966. Petitioner: **PROVAN TRANSPORT CORP.**, Newburg, N.Y. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. This petition is directed particularly to that portion of its certificate in MC 103490 (Sub-No. 36), authorizing the transportation of: Stone, in bulk, in dump vehicles, from points in Rockland, Dutchess, and Ulster Counties, N.Y., to points in Connecticut, Massachusetts, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks elimination of "in dump vehicles," as it relates to the transportation of stone, and requests the Commission issue a corrected certificate to transport stone, in bulk, from and to the points presently authorized. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9408. Authority sought for purchase by **GEORGE A. TAYLOR, INC.**, 4 Philmore Avenue, Post Office Box 188, Caledonia, N.Y., of the operating rights and property of **ORRIE J. DEMAY (ESTHER M. DEMAY, Executrix)**, doing business as **ORRIE'S EXPRESS LINE**, 4977 Ellicott Street Road, Batavia, N.Y., and for acquisition by **GEORGE A. TAYLOR**, also of Caledonia, N.Y., of control of such rights and property through the purchase. Applicants' attorneys and representative: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202, and J. D. Le Seur, 98 Main Street, Batavia, N.Y., 14020. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-45762 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *contract carrier*, in New York, Ohio, Pennsylvania, Michigan,

Connecticut, Massachusetts, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b). **NOTE:** Docket Nos. MC-128132 and (Sub-No. 1) are matters directly related.

No. MC-F-9409. Authority sought for purchase by **MURPHY MOTOR FREIGHT LINES, INC.**, 2323 Territorial Road, St. Paul, Minn., of a portion of the operating rights and certain property of **MIDWEST EMERY FREIGHT SYSTEM, INC.**, 7000 South Pulaski Road, Chicago, Ill., and for acquisition by **E. L. MURPHY, JR.**, also of St. Paul, Minn., and **S. L. WASIE**, 498 South Ferndale, Wayzata, Minn., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, livestock, classes A and B explosives, articles of virtue, articles injurious or contaminating to other lading, and those requiring special equipment, as a *common carrier*, over regular routes, between La Crosse, Wis., and Prairie du Chien, Wis., serving no intermediate points, between Prairie du Chien, Wis., and Chicago, Ill., serving all intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, Wisconsin, South Dakota, Illinois, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9410. Authority sought for purchase by **P & G MOTOR FREIGHT, INCORPORATED**, 450 Burnham Street, South Windsor, Conn., of the operating rights of **COMMERCIAL TRANSPORT, INC.**, 40 B Street, South Boston, Mass. Applicants' attorneys: Clyde E. Herring, the Shoreham Building, 15th and H Streets NW., Washington, D.C., 20005, Frank J. Weiner, Investors Building, 556 Granite Street, Braintree, Mass., 02184, and Louis Barsky, 400 Court Street, Boston, Mass., 02108. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120037 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, over irregular routes, in intrastate commerce, in the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, Massachusetts, and New York. Application has been filed for temporary authority under section 210a(b). **NOTE:** Docket No. MC-66512 (Sub-No. 4), is a matter directly related.

No. MC-F-9411. Authority sought for purchase by **TRI-STATE MOTOR TRANSIT CO.**, Post Office Box 113, Joplin, Mo., of the operating rights of **AYERS CARTAGE COMPANY**, 3750 West 57th Street, Chicago, Ill. Applicants' attorneys: Edmond M. McCarthy, 224 North La Salle Street, Chicago, Ill., and Max G. Morgan, 450 American Na-

¹ Proposal of applicants.

tional Building, Oklahoma City, Okla., 73102. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC-98645 (Sub-No. 1), covering the transportation of general commodities (except household goods and commodities in bulk in tank or hopper type vehicles), as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Applications has been filed for temporary authority under section 210a(b). **NOTE:** Docket No. MC-109397 (Sub-No. 141) is a matter directly related. If a hearing is deemed necessary, Applicants request Washington, D.C.

No. MC-F-9412. Authority sought for control by **BYRON C. SHOUPPE**, 100 Fourth Street South, St. Petersburg, Fla., of **GULF COAST MOTOR LINE, INC.**, 100 South Myrtle Avenue, Clearwater, Fla., 33516. Applicants' attorney: John M. Allison, Post Office Box 1531, Tampa, Fla., 33601. Operating rights sought to be controlled: Passengers and their baggage, in the same vehicle with passengers, in charter service, as a *common carrier*, over irregular routes, beginning and ending in Clearwater, Fla., and extending to all points in the United States (except points in Alaska and Hawaii). **BYRON C. SHOUPPE** holds no authority from this Commission. However, he is controlling stockholder of **SOUTHERN TOURS, INC.**, 921 Third Street South, St. Petersburg, Fla., which is authorized to operate as a *common carrier* in the State of Florida. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4838; Filed, May 3, 1966; 8:47 a.m.]

[Notice 1339-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-68780. By application filed April 25, 1966, **SUPERIOR FAST DRAYAGE**, doing business as **SUPERIOR EXPRESS**, 4527 Loma Vista Avenue, Los Angeles, Calif., seeks temporary authority to lease the operating rights of **BARGSTEN TRUCK LINES, INC.**, 301 South Harbor Boulevard, Fullerton, Calif., under section 210a(b). The transfer to **SUPERIOR FAST DRAYAGE**, doing business as **SUPERIOR EXPRESS**, of the operating rights of **BARGSTEN TRUCK LINES, INC.**, is presently pending.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4839; Filed, May 3, 1966; 8:47 a.m.]

[Notice 915]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 29, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING**MOTOR CARRIERS OF PROPERTY**

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 124774 (Sub-No. 37), filed April 27, 1966. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr., 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Colorado, Iowa, Kansas, Nebraska, and Wyoming, and Kansas City and St. Louis, Mo. Note: Applicant states that it will transport exempt commodities on return.

HEARING: May 24, 1966, in the Northeast Room, Indiana War Memorial Building, 431 North Meridian Street, Indianapolis, Ind., before Examiner Joseph A. Reilly.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 66-4840; Filed, May 3, 1966;
8:47 a.m.]

[Notice 175]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 29, 1966.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17002 (Sub-No. 34 TA), filed April 26, 1966. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Post Office Box 1156, Huntington, W. Va., 25714. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, except those which because of their size or weight require the use of special equipment, from Huntington, W. Va., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Connors Steel Division, Huntington, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

No. MC 61506 (Sub-No. 26 TA), filed April 26, 1966. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicants representative: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as defined in appendix XIII to ex parte No. 45, *Descriptions in Motor Carrier Certificates, including naphthas* (but excluding all other acids and chemicals as defined in appendix XV to ex parte 45), from Charleston, S.C., to points in Alabama, Tennessee, and Kentucky, under continuing contract or contracts with Hess Oil & Chemical Corp., with authority to transport *empty containers and rejected shipments* in return movement; (2) *petroleum and petroleum products*, as defined in appendix XIII to ex parte No. 45, *Descriptions in Motor Carrier Certificates*, from Louisville and Doe Run, Ky., on the one hand, to Doraville, Ga. (near Atlanta), on the other, under continuing contract or contracts with Hess Oil & Chemical Corp., with authority to transport *empty containers and rejected shipments*, in return movement; (3) *petroleum and petroleum products*, as defined in appendix XIII to ex parte No. 45, *Descriptions in Motor Carrier Certificates, including naphthas* (but excluding all other acids and chemicals as defined in appendix XV to ex parte 45), from Doraville, Ga. (near Atlanta), to points in Alabama, Tennessee, and Kentucky, under continuing contract or contracts with Hess Oil & Chemical Corp., with authority to transport *empty containers and rejected shipments*, in return movement for 180 days. Supporting shipper: Hess Oil & Chemical Corp., 3384 Peachtree Road NE., Atlanta, Ga., 30326. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 63973 (Sub-No. 7 TA), filed April 26, 1966. Applicant: HARRY KALER, doing business as KALER FREIGHT LINE, 504 12th Street SE., Mason City, Iowa. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Mason City, Iowa, and Saratoga, Iowa; From Mason City, east over U.S. Highway 18 to junction unnumbered highway through Plymouth, Iowa, to junction Iowa Highway 9; thence over Iowa Highway 9 to junction Iowa Highway 337; thence over Iowa Highway 337 to junction unnumbered highway at Grafton, Iowa; thence over unnumbered highway to junction Iowa Highway 105 at Carpenter, Iowa; thence over Iowa Highway 105 to junction U.S. Highway 218; thence east over U.S. Highway 218 to junction unnumbered highway; thence over unnumbered highway to Stacyville, Iowa; thence east over unnumbered highway to junction Iowa Highway 312; thence over Iowa Highway 312 to junction Iowa Highway 9; thence over Iowa Highway 9 to Saratoga, Iowa; thence returning over Iowa Highway 9 to Osage, Iowa; thence east and south over U.S. Highway 218 to junction U.S. Highway 18; thence over U.S. Highway 18 to Mason City, Iowa; service is au-

thorized to, from and between all intermediate points, and the off-route points of Rock Falls, Otranto, Toeterville, Little Cedar, Meyer, David, Bailey, Mitchell, Orchard, and Colwell, for 180 days. Supporting shippers: the application is supported by statements from 36 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 85233 (Sub-No. 3 TA), filed April 26, 1966. Applicant: METRO CARRIER CORP., 18 Vreeland Avenue, Clifton, N.J., 07011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Containers, plastic or glass, from the plantsite of Modern Decorating Co., Paterson, N.J., to the plantsite of Helena Rubenstein, East Hills, N.Y., and empty pallets, on return, for 150 days. Supporting shipper: Modern Decorating Co., 155-165 Oxford Street, Paterson, N.J., 07500. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 94350 (Sub-No. 168 TA), filed April 26, 1966. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Transit Homes Building, Post Office Box 1628, Greenville, S.C., 29602. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C., 29602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Boats, from Easley, S.C., to points in Georgia, Alabama, and Florida, for 180 days. Supporting shipper: Gem Marine Products, Inc., 128 Cumberland Avenue, Easley, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C., 29201.

No. MC 110420 (Sub-No. 520 TA), filed April 26, 1966. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hog mucosa or slime, in bulk, in stainless steel insulated tank vehicles, from Waterloo, Iowa, to Chicago, Ill., for 180 days. Supporting shipper: Cohelford Laboratories, Inc., 3432 West Henderson, Chicago, Ill., 60618 (Erwin Coyne). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 115876 (Sub-No. 10 TA), filed April 26, 1966. Applicant: ERWIN HURNER, 2605 South Rivershore Drive,

Moorhead, Minn. Applicant's representatives: Van Osdel, Foss & Johnson, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Empty preformed milk cartons and miscellaneous dairy supplies in mixed loads, in full truckloads, weighing less than 5,000 pounds per truckload, from Moorhead, Minn., to Bordulac, Devils Lake, and Hazen, N. Dak.; Conrad, Livingston, and Plentywood, Mont.; Hoven and Pierre, S. Dak.; and Milwaukee, Wis., for 180 days. Supporting shipper: Northwestern Carton Formers, Inc., 815 Center Avenue, Moorhead, Minn. Send protests to: Joseph H. Amb, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak., 58102.

No. MC 124078 (Sub-No. 212 TA), filed April 26, 1966. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hydrolyzed fats, in bulk, from Chattanooga, Tenn., to points in Alabama, Georgia, and Tennessee, with a prior movement by rail from Cincinnati, Ohio, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio, 45201 (George P. Hahn). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 128030 (Sub-No. 16 TA), filed April 26, 1966. Applicant: THE STOUT TRUCKING CO., INC., Box 167, Rural Route No. 1, Urbana, Ill. Applicant's representative: W. L. Jordan, 201-2 Merchants Savings Building, 7 South Sixth Avenue, Terre Haute, Ind., 47801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, from Milwaukee, Wis., to Loda, Ill., and containers, empty malt, from Loda, Ill., to Milwaukee, Wis., for 180 days. Supporting shipper: C. E. Healy & Son, Inc., Loda, Ill. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4841; Filed, May 3, 1966;
8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 29, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent

motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4792, filed March 9, 1966. Applicant: J. T. LUNA AND CLYDE D. HADDOCK, doing business as WAYNESBORO FREIGHT LINE, Highway No. 64, Waynesboro, Tenn. Applicant's representatives: MacFarland and Coley, Middle Tennessee Bank Building, Columbia, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities (except household goods, explosives, and commodities requiring special equipment), between Waynesboro and Memphis, Tenn., over U.S. Highway 64, and service to Clifton and Collinwood, Tenn., over Tennessee Highways 13 and 114. To be involved in interstate commerce by the receipt in Memphis of items forwarded through interstate commerce and transportation to Memphis of items to be placed in interstate commerce.

HEARING: June 1, 1966, at 9:30 a.m., at the Tennessee Public Service Commission's Court Room, C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-8188, filed April 4, 1966. Applicant: GARY VAN BUITEN, SR. AND GARY VAN BUITEN, JR., a partnership, doing business as G. VAN BUITEN AND SON, Midland Hill, Box 329, Oxford, N.Y. Applicant's representatives: Palmer, Hankin, Peyton & Hanifin, 117 Hawley Street, Binghamton, N.Y., 13901. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of rough lumber and dressed rough lumber, from points in Chenango County, N.Y., to points in Chautauqua, Chenango, Erie, and Tioga Counties, N.Y., and returned, refused, and rejected merchandise of the same description, in the reverse direction.

HEARING: To be hereafter scheduled. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the New York State Public Service Commission, 55 Elk Street, Albany, N.Y., 12225.

State Docket No. L-13165, Case No. 1, filed April 4, 1966. Applicant: BOYD & ASSOCIATES, INC., 50 West North Street, Jackson, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* restricted to shipments not exceeding 5,000 pounds from any one consignor to any one consignee moving in the same vehicle, and restricted to traffic having an immediately prior or immediately subsequent movement by air, between Jackson, Mich., and points within 4 miles thereof, on the one hand, and, on the other, Detroit Metropolitan Wayne County Airport, located in Romulus Township, Wayne County, Mich., the Willow Run Airport, located in Van Buren Township, Wayne County, Mich., and in Ypsilanti Township, Washtenaw County, Mich., the Capitol City Airport located at or near Lansing, Mich., Kent County Airport, located at or near Grand Rapids, Mich.

HEARING: June 1, 1966, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, S. Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4842; Filed, May 3, 1966;
8:47 a.m.]

[Notice 393]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 29, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 14295 (Deviation No. 4), D. G. & U. TRUCK LINES, INC., 1215 West Mound Street, Columbus, Ohio, 43223, filed April 21, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 27 and Interstate Highway 75, at Cincinnati, Ohio, over Interstate Highway 75 to junction Ohio Highway 49, at Dayton, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Dayton, Ohio, over Ohio Highway 49 to Greenville, Ohio, thence over U.S. Highway 127 to West Manchester, Ohio, (2) from Cincinnati, Ohio over U.S. Highway 27 to Oxford, Ohio, and (3) from Oxford, Ohio, over Ohio Highway 73 to junction U.S. Highway 127, thence over U.S. Highway 127 to West Manchester, Ohio, and return over the same routes.

No. MC 92709 (Deviation No. 1), THE BLUE RIBBON TRANSPORTATION CO., INC., 157 Barton Street, Pawtucket, R.I., filed April 11, 1966. Carrier's representative: Joseph A. Kline, 185 Devonshire Street, Boston, Mass., 02110. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Providence, R.I., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Boston, Mass., and Providence, R.I., over U.S. Highway 1.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 308), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed April 18, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highways 65 and 465, northwest of Indianapolis, Ind., over Interstate Highway 465 to junction Indiana Highway 100, thence over Indiana Highway 100 to junction U.S. Highway 40, east of Indianapolis, Ind., (2) from junction Interstate Highway 65 and U.S. Highway 52, 0.8 mile west of Lebanon, Ind., over Interstate Highway 65 to junction Interstate Highway 465, (3) from Indianapolis, Ind., over U.S. Highway 52 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Interstate Highway 465, northwest of Indianapolis, Ind., (4) from Indianapolis, Ind., over Interstate Highway 74 to junction Interstate Highway 465, west of Indianapolis, Ind., (5) from Indianapolis, Ind., over U.S. Highway 40 to junction Interstate Highway 465, (6) from Plainfield, Ind., over U.S. Highway 40 to junction Interstate

Highway 465, (7) from Washington, Ind., over Indiana Highway 57 to junction Indiana Highway 67, thence over Indiana Highway 67 to junction Interstate Highway 465, (8) from Indianapolis, Ind., over U.S. Highway 31 to junction Interstate Highway 465, (9) from Indianapolis, Ind., over Indiana Highway 67 to junction Interstate Highway 465.

(10) From Franklin, Ind., over U.S. Highway 31 to junction Interstate Highway 465, (11) from Indianapolis, Ind., over Interstate Highway 65 to junction Interstate Highway 465, south of Indianapolis, Ind., (12) from Indianapolis, Ind., over U.S. Highway 421 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 465, east of Indianapolis, Ind., (13) from Cincinnati, Ohio, over Interstate Highway 74 to junction U.S. Highway 465, east of Indianapolis, Ind., (14) from Indianapolis, Ind., over U.S. Highway 40 to junction Indiana Highway 100, and (15) from Cumberland, Ind., over U.S. Highway 40 to junction Indiana Highway 100, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Paoli, Ind., over Indiana Highway 37 via Bedford and Bloomington, Ind., to Indianapolis, Ind., (2) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 57, thence over Indiana Highway 57 to Washington, Ind., (3) from Richmond, Ind., over U.S. Highway 40 via Stilesville, Ind., to junction Alternate U.S. Highway 40, at or near Mulberry Grove, Ill., (4) from Cincinnati, Ohio, over U.S. Highway 52 via Rushville and Lebanon, Ind., to Lafayette, Ind., (5) from Columbus, Ind., over Alternate U.S. Highway 31 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, Ind., thence over U.S. Highway 36 to junction unnumbered highway at a point approximately 1½ miles south of Pendleton, Ind., (6) from Indianapolis, Ind., over Indiana Highway 37 to junction Indiana Highway 13, and (7) from Indianapolis over new U.S. Highway 31 to junction old U.S. Highway 31, near Whiteland, Ind., and return over the same routes.

No. MC 1515 (Deviation No. 309), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed April 21, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 66 and Interstate Highway 55, near Sherman, Ill., over Interstate Highway 55 to junction U.S. Highway 66, approximately 4.5 miles south of Springfield, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Bloomington, Ill., over U.S. Highway 66 via Springfield, Ill., to

junction unnumbered highway at a point approximately 2 miles south of Mount Olive, Ill., and return over the same route.

No. MC 2866 (Deviation No. 5), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., filed April 19, 1966. Carrier representative: Robert H. Griswold, Commerce Building, Post Office Box 432, Harrisburg, Pa., 17108. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 322 and Pennsylvania Highway 310, east of Emerickville, Pa., over Pennsylvania Highway 310 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 322, with the following access roads: (a) From junction Interstate Highway 80 and Pennsylvania Highway 949 over Pennsylvania Highway 949 to Corsica, Pa., (b) from junction Interstate Highway 80 and Pennsylvania Highway 36 over Pennsylvania Highway 36 to junction U.S. Highway 322, west of Brookville, Pa., and (c) from junction Interstate Highway 80 and Pennsylvania Highway 28 over Pennsylvania Highway 28 to junction U.S. Highway 322, east of Brookville, Pa., (2) from junction U.S. Highway 15 and Pennsylvania Highway 54 over U.S. Highway 15 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 29, with the following access roads: (a) From West Milton, Pa., over U.S. Highway 15 to junction Interstate Highway 80, (b) from junction Interstate Highway 80 and Pennsylvania Highway 147 over Pennsylvania Highway 147 to junction Pennsylvania Highway 405, north of Milton, Pa., (c) from junction Interstate Highway 80 and Pennsylvania Highway 254 over Pennsylvania Highway 254 to Milton, Pa., (d) from junction Interstate Highway 80 and Pennsylvania Highway 54 over Pennsylvania Highway 54 to Maudsley, Pa.

(e) From junction Interstate Highway 80 and Pennsylvania Highway 44 over Pennsylvania Highway 44 to junction U.S. Highway 11, west of Bloomsburg, Pa., (f) from junction Interstate Highway 80 and Pennsylvania Highway 339 over Pennsylvania Highway 339 to Bloomsburg, Pa., and (g) from junction Interstate Highway 80 and Pennsylvania Highway 242 over Pennsylvania Highway 242 to Nescopeck, Pa., and (3) from junction Interstate Highway 80 and Pennsylvania Highway 29 over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Pennsylvania Highway 29, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From junction U.S. Highway 322 and Pennsylvania Highway 310, east of Emerickville, Pa., over U.S. Highway 322 to junction Interstate Highway 80, west of Corsica, Pa.,

(2) from junction U.S. Highway 15 and Pennsylvania Highway 54, west of Montgomery, Pa., over Pennsylvania Highway 54 to Montgomery, Pa., thence over Pennsylvania Highway 405 to junction Pennsylvania Highway 147 (formerly Pennsylvania Highway 14), thence over Pennsylvania Highway 147 to Milton, Pa., thence over Pennsylvania Highway 642 to junction Pennsylvania Highway 54, at Maudsley, Pa., thence over Pennsylvania Highway 54 to Danville, Pa., thence over U.S. Highway 11 to junction Pennsylvania Highway 93, east of Berwick, Pa., thence over Pennsylvania Highway 93 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to junction Interstate Highway 80, and (3) from junction Pennsylvania Highway 29 and Interstate Highway 80, north of Sybertsville, Pa., over Pennsylvania Highway 29 to junction Interstate Highway 81, south of Conyngham, Pa., and return over the same routes.

No. MC 8500 (Deviation No. 10) (Cancels Deviation No. 4), TENNESSEE TRAILWAYS, INC., 710 Sevier Avenue, Knoxville, Tenn., 37920, filed April 25, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highways 81 and 381, at or near Bristol, Va., over Interstate Highway 81 to junction Interstate Highway 581, at or near Roanoke, Va., with the following access roads: (1) from the Tennessee-Virginia State line over Interstate Highway 381 to junction Interstate Highway 81 (Exit No. 2), at or near Bristol, Va., (2) from junction Interstate Highway 81 and access roads (Exit No. 7), over access roads to Abingdon, Va., (3) from junction Interstate Highway 81 and Virginia Highway 75, over Virginia Highway 75 to Abingdon, Va., and (4) from junction Interstate Highway 81 and Interstate Highway 581 over Interstate Highway 581 to Roanoke, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Bristol, Tenn., and Roanoke, Va., over U.S. Highway 11.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4843; Filed, May 3, 1966;
8:48 a.m.]

[No. 34679]

TRANSCON LINES

Request for Interpretation of Tariffs Published Regarding Pool Distribution Charges and Local Distribution Rates

Order. At a session of the Interstate Commerce Commission, division 2, acting as an appellate division, held at its

office in Washington, D.C., on the 14th day of April A.D. 1966.

Upon consideration of the record in the above-entitled proceeding, the petition filed on February 17, 1966, by Transcon Lines for reconsideration of the order of the Commission, division 2, dated January 7, 1966, denying the petition for a declaratory order filed November 24, 1965; and good cause appearing:

It is ordered, That the petition be, and it is hereby, granted and that the requested proceeding be, and it is hereby, instituted;

It is further ordered, That this proceeding be handled under modified procedure; and that the filing and service of pleadings be as follows: (a) Opening statement of facts and argument by petitioner, and any party supporting petitioner, on or before May 18, 1966; (b) 30 days after that date, statement of facts and argument by any party in opposition; and (c) 10 days thereafter reply by petitioner and any supporting party;

And it is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, division 2, acting as an appellate division.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4823; Filed, May 3, 1966;
8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 9]

KANSAS CITY SOUTHERN RAILWAY CO. AND ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Distribution of Boxcars

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Kansas City Southern Railway Co. shall deliver to the Atchison, Topeka & Santa Fe Railway Co. a weekly total of 350 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships and cars included in service order No. 977.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., May 2, 1966.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 28, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 28, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]
[F.R. Doc. 66-4824; Filed, May 3, 1966;
8:46 a.m.]

[S.O. 981; Pfahler's Car Dist. Dir. 10]

KANSAS CITY SOUTHERN RAILWAY CO. AND UNION PACIFIC RAIL- ROAD CO.

Distribution of Boxcars

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 981:

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Kansas City Southern Railway Co. shall deliver to the Union Pacific Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships and cars included in Service Order No. 977.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified

on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., May 2, 1966.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 28, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 28, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]
[F.R. Doc. 66-4825; Filed, May 3, 1966;
8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 29, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40455—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 103), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 9 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1163.

FSA No. 40456—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 104), for interested carriers. Rates on property moving on class and commodity rates over joint routes of appli-

cant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 9 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1163.

FSA No. 40457—*Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent (No. 309), for and on behalf of Chicago & Eastern Illinois Railroad Co. Rates on traffic bound gravel, road surfacing, passing through a 1 inch screen (not suitable for concrete construction), in carloads, from Dickason Pit, Inc., to Holland, Moccasin, and Altamont, Ill.

Grounds for relief—Motortruck competition.

Tariff—Supplement 55 to Chicago & Eastern Illinois Railroad Co. tariff ICC 330.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4826; Filed, May 3, 1966;
8:46 a.m.]

[Notice 1339]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68590. By order of April 27, 1966, the Transfer Board approved the transfer to Campbell's Moving Co., Inc., Philadelphia, Pa., of the entire certificate in No. MC-75541, and a portion of certificate in No. MC-75541 (Sub-No. 1), each issued January 16, 1958, to W & A Express, Inc., Toms River, N.J., authorizing the transportation of: Household goods, between points in New Jersey, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, and Massachusetts, and household goods, between points in Monmouth, and Ocean Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, within 150 miles of Toms River, N.J. James C. Brennan, Esq., 19 West Fifth Street, Chester, Pa., 19013, attorney for applicants.

No. MC-FC-68625. By order of April 27, 1966, the Transfer Board approved the transfer to Paramount Express of Paterson, Inc., Paterson, N.J., of the operating rights in certificate No. MC-

69073, issued June 7, 1941, to Joseph Staso, doing business as Paramount Express, Paterson, N.J., authorizing the transportation of general commodities, with exceptions, over irregular routes, between points in Bergen, Passaic, Essex, Union, and Hudson Counties, N.J., and New York, N.Y., and points in Rockland County, N.Y. John M. Zachara, Post Office Box Z, Paterson, N.J., 07509, attorney for applicants.

No. MC-FC-68636. By order of April 27, 1966, the Transfer Board approved the transfer to Trans Western Transport, Inc., Post Office Box 490, Odessa, Tex., 79760, of the certificate of registration No. MC-120228 (Sub-No. 1), issued April 14, 1964, to William E. McBride, doing business as Trans Western Transport, Post Office Box 490, Odessa, Tex., 79760, evidencing a right to engage in operations in interstate or foreign commerce, in the transportation of: Oilfield equipment, and pipe, and various related commodities, between points in Texas.

No. MC-FC-68638. By order of April 27, 1966, the Transfer Board approved the transfer to A. A. Metler, Knoxville, Tenn., of certificate in No. MC-104800, issued April 19, 1957, to Baxter Transfer, Inc., Baxter, Ky., authorizing the transportation of: Fresh fruits and vegetables, mining machinery, new furniture uncrated, coal-mine cars, mine cars and parts, coal, scrap iron, and mining-machinery parts, from, to, or between specified parts of or points in Alabama, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101, attorney for applicants.

No. MC-FC-68642. By order of April 27, 1966, the Transfer Board approved the transfer to Carlos J. Stilwell, doing business as Stilwell Truck Service, Detroit, Ill., of the operating rights set forth in permit Nos. MC-30518, MC-30518 (Sub-No. 1), and MC-30518 (Sub-No. 3), issued August 31, 1944, September 12, 1958, and February 25, 1966, to Carlos A. Stilwell, doing business as Stilwell Truck Service, Detroit, Ill., authorizing the transportation of, among other things, fresh meat and packinghouse products between Jacksonville, Ill., and Mexico,

Mo., and cream from Mexico, Mo., to Jacksonville, Ill.; dry whey from Dundee and Pittsfield, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin, under continuing contract with Milk Specialties, Inc., of Dundee, Ill. Robert T. Lawley, 308 Reisch Building, Springfield, Ill., attorney for applicants.

No. MC-FC-68643. By order of April 27, 1966, the Transfer Board approved the transfer to Hillside Motor Lines, Inc., Orange, Conn., of certificate No. MC-118402, issued December 7, 1960, to John Capecelatro and Ralph Capecelatro, a partnership, doing business as Hillside Farms Co., Orange, Conn., authorizing the transportation of: Bananas, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Boston and Springfield, Mass.; Portland, Maine; Albany, N.Y.; New Haven, Conn.; and Providence, R.I.; with no transportation for compensation on return except as otherwise authorized. Thomas W. Murrett, Joseloff, Murrett and Knierim, 410 Asylum Street, Hartford, Conn., 06103, attorney for applicants.

No. MC-FC-68669. By order of April 28, 1966, the Transfer Board approved the transfer to Billy Barrett, doing business as Billy Barrett Trucking, Hamburg, Iowa, of the operating rights of Cecil H. McAlexander, Leroy S. McAlexander, and Roger Mattes, a partnership, doing business as Cecil H. McAlexander & Sons, Hamburg, Iowa, in certificate No. MC-23876, issued August 25, 1965, authorizing the transportation, over irregular routes, of feed, from Omaha and Nebraska City, Nebr., to Tabor, Iowa, and points in Iowa within 20 miles of Tabor, and building materials, farm implements and coal, from Omaha, Nebr., to Tabor, Iowa, and points in Iowa within 20 miles of Tabor. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC-68682. By order of April 28, 1966, the Transfer Board approved the transfer to Gene D. Weinrich and Gene A. Carstens, a partnership, doing business as Gene's Trucking, Route 1, Plainview, Nebr., 68769, of the operating rights of Dennis W. Doerr, Plainview, Nebr., 68769, in certificate No. MC-93200, issued August 19, 1963, authorizing

the transportation, over regular routes, of livestock, from Plainview, Nebr., to Sioux City, Iowa, and of livestock, agricultural implements and parts, lumber, building materials, iron and steel articles, hardware, and petroleum products in containers, from Sioux City, Iowa, to Plainview, Nebr.

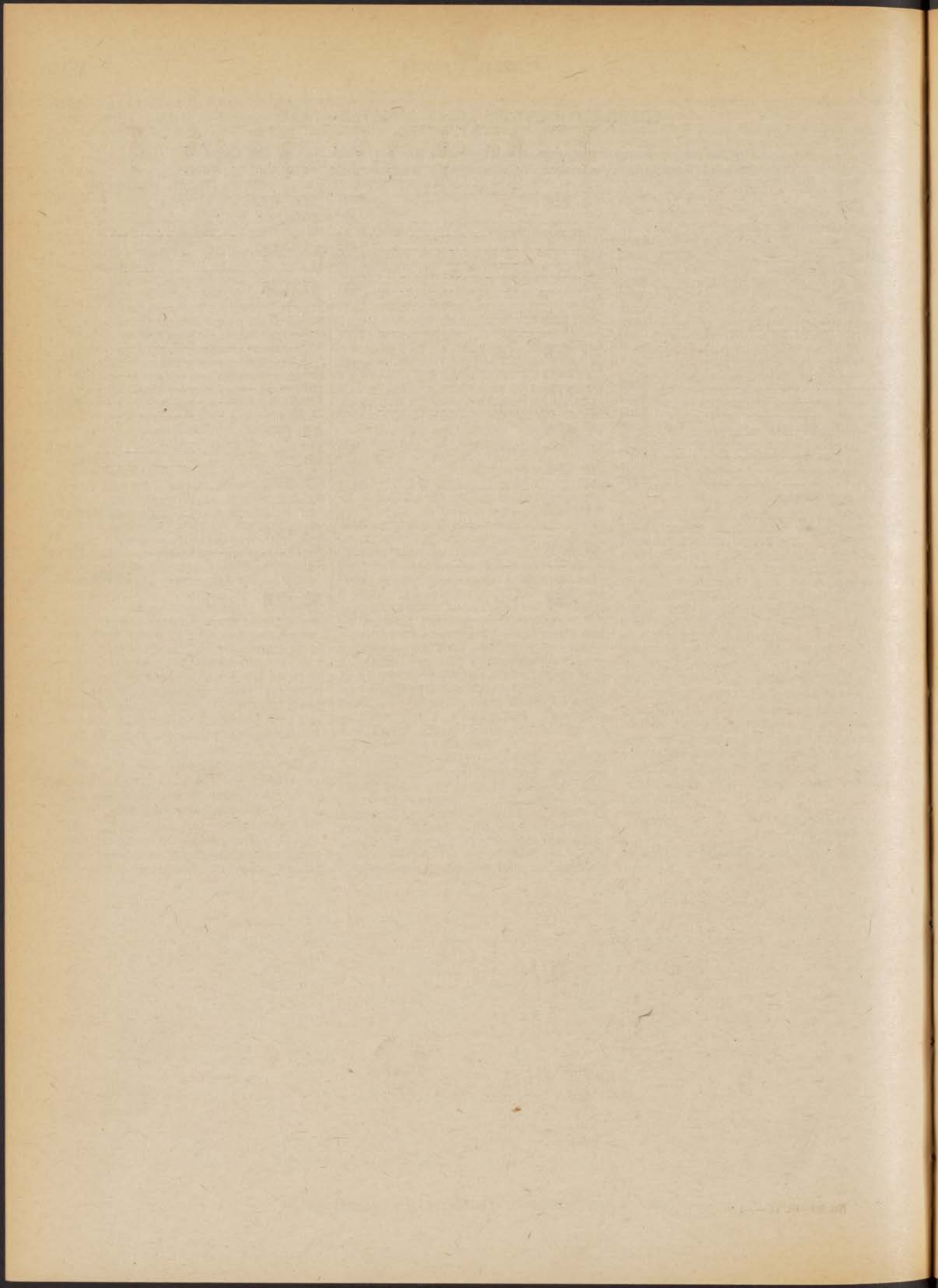
No. MC-FC-68756. By order of April 28, 1966, the Transfer Board approved the transfer to James H. Hartman & Son, Inc., Pocomoke City, Md., of the certificate No. MC-69397, issued March 19, 1956, to Harold Franklin Gladding, doing business as Gladding & Son, Tasley, Va., authorizing the transportation, over irregular routes, of agricultural commodities from Accomac and Northampton Counties, Va., to specified points and areas in Maryland, Delaware, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, and the District of Columbia; hay, feed, flour, wheat, corn, and straw from specified points in Maryland and Delaware to points in Accomac and Northampton Counties, Va.; seafoods from specified points in Virginia to specified points in Delaware, Pennsylvania, New York, Maryland, New Jersey, North Carolina, and the District of Columbia; lumber, piling, cedar posts, and shingles from specified points and areas in Virginia, Maryland, and North Carolina to specified points and areas in Maryland, Delaware, Pennsylvania, New York, New Jersey, and the District of Columbia; fertilizer from specified points in Maryland and Pennsylvania to points in Accomac and Northampton Counties, Va.; household goods between Accomac and Northampton Counties, Va., on the one hand, and, on the other, points in Maryland, Pennsylvania, and the District of Columbia; malt beverages from specified points in New Jersey, Pennsylvania, and Maryland to Exmore, Va.; and empty malt beverage containers from Exmore, Va., to specified points in Maryland, Pennsylvania, and New Jersey, with certain restrictions.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 66-4864; Filed, May 3, 1966;
8:49 a.m.]

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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FEDERAL REGISTER

VOLUME 31 • NUMBER 86

Wednesday, May 4, 1966 • Washington, D.C.

PART II

Federal Communications
Commission

Use of Broadcast Facilities by Candidates for Public Office

[Public Notice of April 27, 1966]



FEDERAL COMMUNICATIONS COMMISSION

[FCC 66-386]

USE OF BROADCAST FACILITIES BY CANDIDATES FOR PUBLIC OFFICE

APRIL 27, 1966.

This Public Notice is a compilation of the Commission's interpretive rulings under section 315 of the Communications Act of 1934, as amended, and the Commission's rules implementing that section of the Act and brings up-to-date and supersedes all prior Public Notices issued by the Commission entitled "Use of Broadcast Facilities by Candidates for Public Office." The Commission has reviewed both its Public Notice (Oct. 9, 1962; FCC 62-1019) and its Supplement thereto (July 31, 1964; FCC 64-733) which contained section 315, as amended, the Commission's rules, additional rulings, and recommended complaint procedures. Significant rulings made subsequent to the 1964 Supplement have been added, and editorial and other revisions have been made with respect to some of the interpretations previously published. Where appropriate, cumulative rulings have been cited. Included herein are the determinations of the Commission with respect to problems which have been presented to it and which appear likely¹ to be involved in future campaigns. While the information contained herein does not purport to be a discussion of every problem that may arise in the political broadcast field, experience has shown that these documents have been of assistance to candidates and broadcasters in understanding their rights and obligations under section 315.

The purpose of this Notice is to apprise licensees, candidates, and other interested persons of their respective responsibilities and rights under section 315, and the Commission's rules, when situations similar to those discussed herein are encountered. In this way, resort to the Commission may be obviated in many instances and time—which is of great importance in political campaigns—will be saved. We do not mean to preclude inquiry to the Commission when there is a genuine doubt as to licensee obligations and responsibilities to the public interest under section 315. Procedures for filing complaints are set out below. But it is believed that the following document will, in many instances, remove the need for inquiries, and that licensees will be able to take the necessary prompt action in accordance with the interpretations and positions set forth below.

¹ A few of the questions taken up within have been presented to the Commission informally—that is, through telephone conversations or conferences with station representatives. They are set out in this Public Notice because of the likelihood of their recurrence and the fact that no extended Commission discussion is necessary to dispose of them; the answer in each case is clear from the language of section 315.

This discussion relates solely to obligations of broadcast licensees towards candidates for public office under section 315 of the Act. It is not intended to include the question of the treatment by broadcast licensees of political or other controversial programs not governed by the "equal opportunities" provisions of that section. As to the responsibilities of broadcast licensees with respect to controversial issues of public importance included in political broadcasts, licensees are referred to the Commission's "fairness doctrine," and the current Public Notice entitled "Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance."

We have continued the question-and-answer format as an appropriate means of delineating the section 315 problems. Wherever possible, reference to Commission's decisions or rulings are made so that the researcher may, if he desires, review the complete text of the Commission's ruling. Copies of rulings may be found in a "Political Broadcast" folder kept in the Commission's Reference Room. Citations in "R.R." refer to Pike and Fischer, Radio Regulations. To facilitate future additions a new numbering system for Question and Answers has been inaugurated with this Public Notice. A Correlation Table indicating the new numbers of Question and Answers retained from the 1962 Public Notice and Supplement thereto is found in Appendix A.

Recommended Complaint Procedures

Complaints relating to 315 matters are given priority consideration by the Commission. Compliance with the following recommended procedures will further greatly assist in the orderly and expeditious disposition of such complaints. However, we do not mean, of course, to preclude in any way inquiry to the Commission when there is a genuine question as to licensee rights and obligations under section 315. We set out these recommended procedures in order to expedite and permit timely consideration of complaints in this important area. Failure to follow these procedures may result in unnecessary delays in resolution of section 315 complaints.

First, barring unusual circumstances, a complaint should not be made to the Commission until the licensee has denied the candidate's request for time after opportunity for passing on the essential claims raised by the candidate. Further, it has been the Commission's consistent policy to encourage negotiations between licensees and candidates seeking broadcast time or having questions under section 315, looking toward a disposition of the request or questions in a manner which is mutually agreeable to all parties. A complaint relating to a section 315 matter thus should be filed with the Commission after an effort has been made in good faith by the parties concerned to resolve the questions at issue. In this way, resort to the Commission might be obviated in many instances and time—which is of great importance in political campaigns—might be saved.

Where a complaint is filed with the Commission, (i) the complainant should simultaneously send a copy to the licensee, (ii) the licensee should respond, as promptly as possible, and not await Commission inquiry regarding the complaint, and (iii) the complainant and licensee should furnish each other with copies of all correspondence sent to the Commission.

A complaint filed with the Commission should be in written form and should contain: (i) The name and address of the complainant, (ii) the call letters and location (city and State) of the station against whom the complaint is made, and (iii) a detailed statement of the factual basis of the complaint which shall include, but not necessarily be limited to: the public office involved, the date and nature of the election to be held, whether the complainant and his opponent(s) are legally qualified candidates for public office, the date(s) of prior appearances by opponents if any, the time of request for equal opportunities submitted to the licensee, and the licensee's stated reasons for refusing to satisfy the complaint.

If at any time the licensee satisfies the complaint, the licensee should so notify the Commission, setting forth when and how the complaint has been satisfied and furnish a copy of such notification to complainant.

I. The Statute

Section 315 of the Communications Act of 1934, as amended, provides as follows:

Sec. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting stations: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

- (1) Bona fide newscast,
- (2) Bona fide news interview,
- (3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
- (4) On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto), shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

II. The Commission's Rules and Regulations With Respect to Political Broadcasts

The Commission's rules and regulations with respect to political broadcasts coming within section 315 of the Communications Act are set forth in §§ 73.120 (AM), 73.290 (FM), 73.590 (noncommercial Educational FM), and 73.657 (TV), respectively. These provisions are identical (except for elimination of any discussion of charges in § 73.590 relating to noncommercial educational FM stations) and read as follows:

Broadcasts by candidates for public office—

(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all such other candidates for that office to use such facilities: *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is

granted. Such records shall be retained for a period of 2 years.

NOTE: See § 1.526 of this chapter.

(e) *Time of request.* A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the prior use occurred.

(f) *Burden of proof.* A candidate requesting such equal opportunities of the licensee, or complaining of noncompliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

In addition, the attention of the licensees is directed to the following provisions of §§ 73.119, 73.289, and 73.654, relating to sponsorship identification which provide in pertinent part:

(a) When a television broadcast station transmits any matter for which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, such station, the station shall broadcast an announcement that such matter is sponsored, paid for, or furnished, either in whole or in part, and by whom or on whose behalf such consideration was supplied: *Provided, however*, That "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast.

(b) The licensee of each television broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report (concerning the providing or accepting of valuable consideration by any person for inclusion of any matter in a program intended for broadcasting) has been made to a television broadcast station, as required by section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such television broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however*, That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(f) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d)

of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(g) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (d) of this section are furnished, by a corporation, committee, association, or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association, or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the program in each community in which the program is broadcast.

(i) Commission interpretations in connection with the foregoing rules may be found in the Commission's Public Notice entitled "Applicability of Sponsorship Identification Rules" (FCC 63-409; 28 F.R. 4732, May 10, 1963) and such supplements thereto as are issued from time to time.

(Sec. 317, 48 Stat. 1089, as amended; 47 U.S.C. 317)

III. "Uses," in General

In general, any use of broadcast facilities by a legally qualified candidate for public office imposes an obligation on licensees to afford "equal opportunities" to all other such candidates for the same office.

Section 315 of the Act was amended by the Congress in 1959 to provide that appearances by legally qualified candidates on specified news-type programs are deemed not to be a "use" of broadcast facilities within the meaning of that section. In determining whether a particular program is within the scope of one of these specified news-type programs, the basic question is whether the program meets the standard of "bona fides." To establish whether such a program is in fact a "bona fide" program, the following considerations, among others, may be pertinent: (1) The format, nature and content of the programs; (2) whether the format, nature and content of the program has changed since its inception and, if so, in what respects; (3) who initiates the programs; (4) who produces and controls the program; (5) when the program was initiated; (6) is the program regularly scheduled; and (7) if the program is regularly scheduled, specify the time and day of the week when it is broadcast. Questions have also been presented by the appearances on news-type broadcast programs of station employees who are also legally qualified candidates. In such cases, in addition to the above, the following considerations, among others, may be pertinent to a determination of the applicability of section 315: (1) What is the dominant function of the

employee at the station?; (2) what is the content of the program and who prepares the program?; and (3) to what extent is the employee personally identified on the program? In the rulings set forth below, wherein the Commission held that the "equal opportunities" provision was applicable, it should be assumed that the news-type exemptions contained in the 1959 amendments were not involved.

III.A. Types of Uses

III.A. 1. Q. Does section 315 apply to one speaking for or on behalf of the candidate, as contrasted with the candidate himself?

A. No. The section applies only to legally qualified candidates. Candidate A has no legal right under section 315 to demand time where B, not a candidate, has spoken against A or in behalf of another candidate. (*Felix v. Westinghouse Radio Stations*, 186 F.2d 1 (3d Cir. 1950), cert. den. 341 U.S. 909.)

2. Q. Does section 315 confer rights on a political party as such?

A. No. It applies in favor of legally qualified candidates for public office, and is not concerned with the rights of political parties, as such. (Letter to National Laugh Party, May 8, 1957; see also *In re WPRO-TV*, Letter of Oct. 20, 1964.)

3. Q. Does section 315 require stations to afford "equal opportunities" in the use of their facilities in support of or in opposition to a public question to be voted on in an election?

A. No. Section 315 has no application to the discussion of political issues, as such, but is concerned with the use of broadcast stations by legally qualified candidates for public office. In the 1959 amendment of section 315, relating to certain news-type programs, Congress stated specifically that its action was not to be construed "as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance." The Commission has considered this statement to be an affirmation of its "fairness doctrine", as enunciated in its Report on Editorializing by Broadcast Licensees.

III.B. What Constitutes a "Use" of Broadcast Facilities Entitling Opposing Candidates to "Equal Opportunities"?

III.B. 1. Q. If a legally qualified candidate secures air time but does not discuss matters directly related to his candidacy, is this a use of facilities under section 315?

A. Yes. Section 315 does not distinguish between the uses of broadcast time by a candidate, and the licensee is not authorized to pass on requests for time by opposing candidates on the basis of the licensee's evaluation of whether the

original use was or was not in aid of a candidacy. (Letter to WMCA, Inc., May 15, 1952, 7 R.R. 1132.)

2. Q. Must a broadcaster give equal time to a candidate whose opponent has broadcast in some other capacity than as a candidate?

A. Yes. For example, a weekly report of a Congressman to his constituents via radio or television is a broadcast by a legally qualified candidate for public office as soon as he becomes a candidate for reelection, and his opponent must be given "equal opportunities" for time on the air. Any "use" of a station by a candidate, in whatever capacity, entitles his opponent to "equal opportunities." (Letter to Station KNXS, May 15, 1952, 7 R.R. 1130; see Q. and A. III.C.1, for a joint Congressional Report; see also letter to Senator Joseph S. Clark, Jan. 31, 1962; and for a Judge's report, see also telegram to Station KSHO-TV, Apr. 24, 1961; see also Q. and A.'s III.B.10, III.C.4; for recent rulings see Q. and A.'s III.B. 11, 12, and 13.)

3. Q. If a candidate appears on a variety program for a very brief bow or statement, are his opponents entitled to "equal opportunities" on the basis of this brief appearance?

A. Yes. All appearances of a candidate, no matter how brief or perfunctory, are a "use" of a station's facilities within section 315.

4. Q. If a candidate is accorded station time for a speech in connection with a ceremonial activity or other public service, is an opposing candidate entitled to equal utilization of the station's facilities?

A. Yes. Section 315 contains no exception with respect to broadcasts by legally qualified candidates carried "in the public interest" or as a "public service." It follows that the station's broadcasts of the candidate's speech was a "use" of the facilities of the station by a legally qualified candidate giving rise to an obligation by the station under section 315 to afford "equal opportunities" to other legally qualified candidates for the same office. (Letter to CBS (WBBM), Oct. 31, 1952; letter to KFI, Oct. 31, 1952.)

*5. Q. The United Community Campaigns of America advised the Commission that dating back to the early thirties it had "kicked off" its United Fund and Community Chest Campaigns with a special message broadcast by the President of the United States each fall. For the past several years the broadcast has consisted of a 5 minute program filmed on video-tape in advance at the White House and later carried on the three television networks and the four radio networks. Would the candidate opposing the President be entitled to equal opportunities if the message were carried?

A. The Commission held that section 315 contains no exceptions with respect to broadcasts by legally qualified candidates carried "in the public interest" or as a "public service" and that a candidate's

*An asterisk denotes a new question and answer.

speech in connection with a ceremonial activity is a section 315 "use." It is immaterial whether or not the candidate uses the time to discuss matters related to his candidacy, and the fact that the appearance of the candidate is nonpolitical is not determinative of whether his appearance is a "use." Whether the presentation of the special message in connection with a particular newstype program would meet the criteria for exemption specified in the 1959 amendment is a question initially for the exercise of the good faith judgment of the broadcast licensee. (In re United Community Campaigns, letter of Sept. 2, 1964, 3 R.R. 2d 320; but see Q. and A. III.B.14.)

6. Q. Where a candidate delivers a nonpolitical lecture on a program which is part of a regularly scheduled series of lectures broadcast by an educational FM station, is that station required to grant equal time to opposing candidate?

A. Yes. Unless the candidate's appearance comes within the category of broadcasts exempt from section 315's "equal opportunities" provision, equal time must be granted. The use to which the candidate puts this broadcast time is immaterial. (See Q. and A. III.B.1, supra.) (Telegram to Station WFUV-FM Oct. 27, 1961.)

7. Q. Are acceptance speeches by successful candidates for nomination for the candidacy of a particular party for a given office, a use by a legally qualified candidate for election to that office?

A. Where the successful candidate for nomination becomes legally qualified as a candidate for election as a result of the nomination, his acceptance speech constitutes a use. (Letter to Progressive Party, July 2, 1952, 7 R.R. 1300.) However, after 1959, acceptance speeches in connection with political conventions are governed by section 315(a)(4). (For rulings after the 1959 Amendments see Telegram in re CBS and NBC, July 7, 1960, Q. and A. III.C.22; and letter to Deberry-Shaw Campaign Committee, Sept. 11, 1964, Q. and A. III.C.23.)

8. Q. Does section 315 apply to broadcasts by a legally qualified candidate where such broadcasts originate and are limited to a foreign station whose signals are received in the United States?

A. No. Section 315 applies only to stations licensed by the FCC. (In re CKLW-TV, letter of July 19, 1955.)

9. Q. A candidate for the Democratic nomination for President appeared on a network variety show. A claimant for "equal opportunities" showed that his name had been on the ballots in the Democratic presidential primary elections in two states; that the network had shown him in a film on a program concerned with the various 1960 presidential candidates; and that he was continuing his efforts as a candidate for the Democratic nomination. Would the claimant be entitled to "equal opportunities"?

A. Yes, since the appearance of the first candidate was on a program which was not exempt from the "equal opportunities" requirement of section 315 and the claimant had shown that he was

a "legally qualified" candidate for the nomination for the same office. (Telegram to NBC, July 6, 1960.)

10. Q. If a station owner, or a station advertiser, or a person regularly employed as a station announcer were to make appearances over a station after having qualified as a candidate for public office, would section 315 apply?

A. Yes. Such appearances of a candidate are a "use" under section 315. (Letters to KUGN, Apr. 9, 1958; to KTTV, Jan. 23, 1957, 14 R.R. 1227; In re WCVS, letter of Nov. 19, 1956, 14 R.R. 1226b, respectively; and letter to Georgia Assoc. of Broadcasters, May 18, 1962. See also Q. and A.'s III.B. 11, 12, and 13. But cf. letter to KWTX Broadcasting Co., Mar. 16, 1960; Brigham v. FCC, 276 F. 2d 828 (C.A. 5), Apr. 19, 1960 and Q. and A. III.C.4.)

*11. Q. A television station employs an announcer who, "off camera" and unidentified, supplies the audio portion of required station identification announcements, public service announcements, and commercial announcements. The announcer is not authorized to make comments or statements concerning political matters, and he has no control over the format or content of any program material. In the event that this employee announced his candidacy for the city council, would his opponent be entitled to equal opportunities?

A. No. The employee's appearance for purposes of making commercial, non-commercial, and station identification announcements would not constitute a "use" where the announcer himself was neither shown nor identified in any way. (In re WNEP, letter of Mar. 16, 1955.)

*12. Q. The station employee mentioned in Q. and A. III.B.11, supra, also hosts a weekly dance party on which he is identified but during which he appears or is heard only a portion of the time. He has some discretion with respect to the program's content insofar as he conducts brief conversations with teenagers appearing on the program. In the event he becomes a candidate for the city council, would his opponent be entitled to "equal opportunities"?

A. Yes. The employee's appearance as host of the dance party program would entitle other candidates for the same office to "equal opportunities" for the amount of time he appeared on the program. The deletion of the announcer's identity would not exempt his appearances from the "equal opportunities" provision, since in the case of television it is the appearance itself which constitutes the "use" of the facilities without regard to the format of the program. If an appearance of this nature were made, other candidates would be entitled to free time since the announcer would not have paid for the time he appeared. (In re WNEP, letter of Mar. 16, 1955.)

*13. Q. An employee of a radio station who had been for a number of years the station's news director and is responsible for preparing the news material and presenting it on regularly scheduled news

programs announced his candidacy for the school board. Prior to becoming a candidate the employee was identified on the news programs he announced, but he will not be identified during his candidacy. Would the appearance of the employee while he was a legally qualified candidate on the particular news-type programs constitute a "use" of the station entitling the employee's opponents to "equal opportunities"?

A. Yes. In cases where the newscaster is identified up to the date of his candidacy and prepares and broadcasts the news, including that of a local nature, the general line of rulings prior to the 1959 amendments to section 315 would be applicable and such appearances would constitute a "use" of the station's facilities. (In re WMAY, letter of Mar. 31, 1965, 4 R.R. 2d 849.)

14. Q. When a station, as part of a newscast, uses film clips showing a legally qualified candidate participating as one of a group in official ceremonies and the newscaster, in commenting on the ceremonies, mentions the candidate and others by name and describes their participation, has there been a "use" under section 315?

A. No. Since the facts clearly showed that the candidate had in no way directly or indirectly initiated either filming or presentation of the event, and that the broadcast was nothing more than a routine newscast by the station in the exercise of its judgment as to newsworthy events. (Letter to Allen Blondy, Feb. 6, 1957, 14 R.R. 1199; cf. CBS, Inc. (Lar Daly case), 26 FCC 715, 18 R.R. 701 [1959] and letter to Lar Daly, Sept. 9, 1959, 18 R.R. 750; see also rulings in III. C., infra, concerning the 1959 Amendments.)

III.C. What Constitutes an Appearance Exempt From the Equal Opportunities Provisions of Section 315?

III.C. 1. Q. Does an appearance on a program subject to the equal opportunities provision of section 315 such as a Congressman's Weekly Report, attain exempt status when the Weekly Report is broadcast as part of a program not subject to the equal opportunities provisions, such as a bona fide newscast?

A. No. A contrary view would be inconsistent with the legislative intent and recognition of such an exemption would in effect subordinate substance to form. (Letter to Congressman Clark W. Thompson, Feb. 9, 1962, 23 R.R. 178.)

2. Q. Are appearances by an incumbent-candidate in film clips prepared and supplied by him to the stations and broadcast as part of a station's regularly scheduled newscast, "uses" within the meaning of section 315?

A. Yes. Broadcast of such film clips containing appearances by a candidate constitute uses of the station's facilities. Such appearances do not attain exempt status when the film clips are broadcast as part of a program not subject to the equal opportunities provision, for the reasons set forth in Question and Answer III.C.1, above. (Letter to Congressman Clem Miller, June 15, 1962.)

3. Q. A sheriff who was a candidate for nomination for U.S. Representative in Congress conducted a daily program, regularly scheduled since 1958, on which he reported on the activities of his office. He terminated each program with a personal "Thought for the Day." Would his opponent be entitled to "equal opportunities"?

A. Yes. In light of the fact that the format and content of the program were determined by the sheriff and not by the station, the program was not of the type intended by Congress to be exempt from the "equal opportunities" requirement of section 315. (Letter to Station WCLG, Apr. 27, 1960.)

4. Q. A local weathercaster who was a candidate for reelection for Representative in the Texas Legislature was regularly employed by an AM and TV station in Texas. His weathercasts contained no references to political matters. He was identified over the air while a candidate as the "TX Weatherman." Would his opponent be entitled to "equal opportunities"?

A. No. The Court of Appeals, Fifth Circuit, ruled that the weathercaster's appearance did not involve anything but a bona fide effort to present the news; that he was not identified by name but only as the "TX Weatherman"; that his employment did not arise out of the election campaign but was a regular job; and that the facts did not reveal any favoritism on the part of the stations or any intent to discriminate among candidates. (Letter to KWTX Broadcasting Co., Mar. 16, 1960; Brigham v. FCC, 276 F. 2d 828 (C.A. 5), Apr. 19, 1960; but see Q. and A.'s III.B. 11, 12, and 13.)

*5. Q. Where the facts are the same as those set forth in Q. and A. III.B.13, supra, would the appearances of the employee while a legally qualified candidate on news type programs constitute a "use" exempted from the provisions of 315 by reason of the 1959 Amendment?

A. No. The main purpose of the amendment was to allow greater freedom to the broadcaster in reporting news to the public, that is to say, in carrying news about and pictures of candidates as part of the contents of news programs. The amendment did not deal with the question of whether the appearance of station employees who have become candidates for office should be exempted on a news-type program where such employees are announcing the news (rather than being a part of the content of the news), any more than it dealt with the general question of such appearances (e.g., on a variety program or as a commercial continuity announcer), and the legislative history indicates that the appearance of the candidate on a news-type program in which he has participated in the "format and production" would not be exempt. (In re WMAY, letter of Mar. 31, 1965, 4 R.R. 2d 849.)

6. Q. A Philadelphia TV station had been presenting a weekly program called "Eye on Philadelphia." This program consisted of personalities being interviewed by a station representative.

* An asterisk denotes a new question and answer.

Three candidates for the office of Mayor of Philadelphia, representing different political parties, appeared on the program. Would a write-in candidate for Mayor be entitled to "equal opportunities"?

A. No, since it was ascertained that the appearances of the three mayoralty candidates were on a bona fide, regularly scheduled news interview program and that such appearances were determined by the station's news director on the basis of newsworthiness. (Telegram in re WCAU-TV, Nov. 2, 1959; see also in re WTMJ-TV, Telegram of Nov. 2, 1964.)

7. Q. A New York television station had been presenting a weekly program called "Search Light". This program consisted of persons, selected by the station on the basis of their newsworthiness, interviewed by a news reporter selected by the station, a member of the Citizens Union (a permanent participant initially selected by the station), and a station newsman who acted as moderator. Two candidates appeared on the program and were interviewed. Is a third opposing candidate entitled to "equal opportunities"?

A. No. The format of the program was such as to constitute a bona fide news interview pursuant to section 315(a)(2), since the program was regularly scheduled, was under the control of the licensee, and the particular program had followed the usual program format. (Telegram in re WNBC, Nov. 1, 1961.)

8. Q. A Washington, D.C., television station had been presenting a weekly program called "City Side". This program consisted of persons being interviewed by a panel of reporters. The panel was selected by the station and the persons interviewed were selected by the station on the basis of newsworthiness. Three candidates for the Democratic nomination for the office of Governor of Maryland were invited to appear on the program and one of them accepted. Would a fourth candidate for the same nomination, not invited by the station to appear, be entitled to "equal opportunities"?

A. No. It was determined that "City Side" was a regularly scheduled, weekly, live, news-interview program on the station for approximately 6 years; that the normal format of the program consisted of the interview of a newsworthy guest or guests by a panel of reporters; that the appearances on the program were determined by the station on the basis of newsworthiness; and that it was on this basis that the three candidates were invited to appear. Such a program constitutes a bona fide news-interview program pursuant to section 315(a)(2). (Telegram to Charles Luthard, Sr., May 12, 1962.)

9. Q. A New York television station had been presenting a weekly half-hour program series for over 2 years. The program, "New York Forum", was presided over by a station moderator and consisted of interviews of currently newsworthy guests by a panel of three lawyers. The guests were selected by the station in the exercise of its bona fide

news judgment and not for the political advantage of any candidate for public office. The local bar association suggested the lawyer-interviewers to be used on a particular program but their final selection remained subject to the station's approval. The Democratic and Republican candidates for the office of Governor of New Jersey had appeared on separate programs in the series. Would a third party candidate be entitled to "equal opportunities"?

A. No. Such a program is a bona fide news interview and, as such, appearances on the program are exempt pursuant to section 315(a)(2). (Telegram to Socialist Labor Party of New Jersey, Nov. 2, 1961.)

10. Q. Certain networks had presented over their facilities various candidates for the Democratic nomination for President on the programs "Meet the Press", "Face the Nation", and "College News Conference". Said programs were regularly scheduled and consisted of questions being asked of prominent individuals by newsmen and others. Would a candidate for the same nomination in a State primary be entitled to "equal opportunities"?

A. No. The programs were regularly scheduled, bona fide news interviews and were of the type which Congress intended to exempt from the "equal opportunities" requirement of section 315. (Letter to Andrew J. Easter, April 28, 1960; in re Lar Daly, letters of May 12 and June 13, 1960; and letter to Congressman Frank Kowalski, July 10, 1962.)

11. Q. On September 30, 1962, one of the networks interviewed two Congressmen, one presenting the Republican Party view and the other presenting the Democratic Party view concerning legislative achievements of the current Congressional session. The program in which the Congressmen appeared, "Direct Line", was initiated in April 1959, and its format, nature, and content had not materially changed since its inception; it was produced and controlled by the network and was regularly scheduled on Sundays as a half-hour program, although the particular program had been expanded to an hour because of preselection interest in the subject matter. The persons interviewed were asked questions submitted by viewers of the program, supplemented by questions prepared in cooperation with the League of Women Voters. The questions to be asked were selected exclusively by employees of the network and propounded by a moderator, also a network employee, although on some occasions, an additional person such as a news reporter assisted the moderator in asking questions. Would the opponent of one of the Congressmen running for re-election be entitled to "equal opportunities"?

A. No. On the basis of the information submitted, the Commission was of the view that the program "Direct Line" was a "bona fide news interview" within the meaning of section 315(a)(2) and, therefore, the Congressmen's appearances were exempt. (Telegram to Martin B. Dworkis, Oct. 10, 1962; see also

Telegram to Aaron M. Orange, Nov. 3, 1962; letter to Aaron M. Orange, July 25, 1963, FCC 63-721)

12. Q. One of the networks had been presenting a program called "Issues and Answers" each Sunday since November 27, 1960, and the format, nature, and content of the program had not changed since its inception. The program, originated, produced and controlled by the network in question, consisted of one or more news correspondents interviewing one or more nationally or internationally prominent individuals such as Government officials, U.S. Senators, U.S. Congressmen, foreign ambassadors, etc., on topics of national interest. The Minority Leaders of the Senate and House, one of whom was a candidate for reelection, were interviewed on the program as the official Republican Congressional spokesmen. The following week the official Democratic Congressional spokesmen appeared and were interviewed on the program. Would the opponent of the Republican spokesman who was running for reelection be entitled to "equal opportunities"?

A. No. The Commission ruled that the program "Issues and Answers" was a bona fide news interview program of the type which Congress intended to be exempt from the "equal opportunities" provisions of section 315. (Telegram to Mr. William S. Flanagan, Oct. 23, 1962.)

13. Q. A candidate for the Democratic nomination for President was interviewed on a network program known as "Today." It was shown that this was a daily program emphasizing news coverage, news documentaries, and on-the-spot coverage of news events; that the determination as to the content and format of the interview and the candidate's participation therein was made by the network in the exercise of its news judgment and not for the candidate's political advantage; that the questions asked of the candidate were determined by the director of the program; and that the candidate was selected because of his newsworthiness and the network's desire to interview him concerning current problems and events. Would the candidate's opponent be entitled to "equal opportunities"?

A. No, since the appearance of the candidate was on a program which was exempt from the "equal opportunities" requirement of section 315. (Telegram to Lar Daly, July 6, 1960.)

14. Q. Does the appearance of a candidate on any of the following programs constitute a "use" under the "equal opportunities" provisions of section 315: "Meet the Press", "Youth Wants to Know", "Capitol Cloakroom", "Tonight", and "PM"?

A. The programs "Meet the Press" and "Youth Wants to Know" were specifically referred to during the Senate debates on the 1959 amendments as being regularly scheduled news interview programs of the type intended to be exempt from the "equal opportunities" provision of section 315. Thus, if the format of these programs is not changed in any material re-

spect, appearances by a candidate on such programs would not constitute a "use" under section 315. (Letter to Senator Russell B. Long, June 13, 1962; see also Q. and A. III.C.10; as to the "Tonight" program, see Q. and A. III.B.9.)

15. Q. A candidate for Governor of the State of New York appeared on "The Barry Gray Show", a nightly news and discussion program which had been broadcast by the station, using the same format, for a period of at least 4 years. The program consisted of a series of interviews of indeterminate length with persons from all walks of life concerning newsworthy events. The show was interrupted five times nightly for 5-minute newscasts, two of which were given by Barry Gray. Barry Gray, an independent contractor, exercised day-to-day control over the program subject to overall and ultimate control by the station. Candidates appearing on the program were selected, not for their own political advantage, but on the basis that they were bona fide candidates and would serve to inform the audience on issues on which the audience would have to make a decision in order to vote. The station allowed Barry Gray the maximum latitude for initiative and editorial freedom. Barry Gray determined, on the basis of the interest value of the guest and the articulate manner in which he expressed himself on the topic under discussion, the amount of time to be allocated to any particular interview, and either actively participated in the discussion, acted as an impartial moderator in the interview, or on occasion, "talked the show" out if the guest was of little interest value. In some instances, the program consisted of an exchange of views and in other instances, constituted a panel discussion. Would the opponent of the candidate for Governor of New York be entitled to "equal opportunities"?

A. Yes. The Commission held that the definition of a bona fide news interview must be derived from the specific examples of such programs cited in the legislative history of the 1959 amendment to section 315. On the basis of the information submitted, the Commission could not determine that the Barry Gray Show was a bona fide news interview. (Telegram to WMCA, Inc., Oct. 20, 1962, FCC 62-1133.)

16. Q. A New Jersey television station had been presenting for approximately 2½ years a weekly program called "Between the Lines." This program consisted of interviews by a station moderator of persons involved with current public events in New Jersey and New York. The incumbent, candidate for reelection to the State assembly, appeared on the program. Would his opponent be entitled to "equal opportunities"?

A. No. The Commission ruled that "... the program in question is the type of program Congress intended to be exempt from the equal time requirements of section 315." (Letter to George A. Katz, Esq., Nov. 2, 1960.)

17. Q. The "Governor's Radio Press Conference" is a weekly 15-minute program which has been broadcast approxi-

mately 2 years employing essentially the same format since its inception. In the program, the Governor-candidate is seated in his office and speaks into a microphone; each of the participating stations has selected a newsmen, who, while located at his respective station, asks questions of the Governor which the newsmen considers to be newsworthy. The questions are communicated to the Governor-candidate by telephone from the respective stations and the questions and the Governor's answers are communicated to the stations by the means of a broadcast line from his office to the stations. The questions and answers are taped both by his office and each of the participating stations, and no tapes are supplied by the Governor to the stations. Questions asked of the Governor and all of the material, including his answers, are not screened, or edited by anyone in his office or on his behalf. The program is unrehearsed and there is no prepared material of any kind used by the Governor or by anyone on his behalf. The newsmen are free to ask any question they wish and each program is under the control of the participating stations. Does the appearance of the Governor-candidate on said program constitute a "use" under the "equal opportunities" provision of section 315?

A. No. Since the program involves the collective participation of the stations' newsmen, is prepared by the stations, is under their sole supervision and control, has been regularly scheduled for a period of time, and was not conceived or designed to further the candidacy of the Governor, it was held to be a bona fide news interview program and, therefore, exempt from the "equal opportunities" provision of section 315. (Letter to Governor Michael DiSalle, June 8, 1962.)

18. Q. The "Governor's Forum" program has been broadcast for approximately 8 months by several participating stations. In this program, the Governor-candidate is seated in his office and speaks into a microphone. The program consists of his answers to and questions submitted by the listening public. Questions asked are either telephoned or written to the stations or directly to his office. The questions which are telephoned or written to the several stations are forwarded to the principal participating station, which then selects the questions, edits the questions, and accumulates them on a tape. The questions telephoned or written to the Governor's office are likewise selected and edited by his office for taping. The tape or tapes containing the questions are played in his office and the questions and the Governor's answers are then recorded on a master tape prepared by his office. Additional questions are asked of the Governor by the principal station's newsmen, present in the Governor's office, to amplify any prior question and answer. On occasion, further editing of the tape has been made by the Governor's office or by the stations. The tape is sent to each of the participating stations by the Governor's office. There is no prepared material or rehearsal by the

Governor's office. Would the appearance by the Governor-candidate on the above program constitute a "use" under the "equal opportunities" provision of section 315?

A. Yes. Such a program is not a news-interview program as contemplated by section 315(a)(2). This conclusion has been reached since the selection and compilation of the questions, as well as the production, supervision, control, and editing of the program are not functions exercised exclusively by the stations. (Letter to Governor Michael DiSalle, June 8, 1962.)

19. Q. A Congressman who was a candidate for reelection appeared in a news interview on a station and was interviewed by the station's Public Affairs Department regarding his experiences as a freshman Congressman. The program was described by the licensee as a "bona fide special news interview" and the licensee stated that it had sought the interview on the basis of its news judgment. The interview was conducted by a station employee and the questions asked related to current newsworthy events. The licensee stated further that although the program was a "special news interview" (the station did not broadcast regularly scheduled news interviews but presented special news interviews as the occasion arose and this was deemed by the licensee to be such an occasion), the interview itself and the format and nature of the questions were the same as in news interview programs of other newsworthy individuals and that the program was initiated, produced, and controlled by the licensee. Would the Congressman's opponent be entitled to "equal opportunities"?

A. Yes. The Commission pointed out that the legislative history of the 1959 amendment to section 315 clearly indicated that a basic element of a "bona fide news interview" is that it be regularly scheduled. Accordingly, it held that the Congressman's appearance did not occur in connection with a "bona fide news interview" within the meaning of section 315(a)(2) and that his appearance, therefore, constituted a "use" entitling his opponent to "equal opportunities." (Telegram to Station KFDX-TV, Oct. 26, 1962.)

20. Q. CBS Television Network presented a 1-hour program entitled "The Fifty Faces of '62." The program consisted of a comprehensive news report of the current off-year elections and campaigns. It included a brief review of the history of off-year elections, individual and group interviews, on-the-spot coverage of conventions and campaigns, and flashbacks of currently newsworthy aspects of the current campaigns and elections. In addition to the appearances on the broadcast of private citizens, voters, college students, and candidates, there were approximately 25 political figures, none of whom was on camera for more than approximately 2 or 3 minutes. Some of the candidates appearing on the program mentioned their candidacy; others, including the minority leader of the House of Repre-

representatives, who appeared in that capacity and discussed the prospect of his party in the Fall elections, did not discuss their candidacies. The determination as to who was to appear on the program was made solely by CBS News on the basis of its bona fide news judgment that their appearances were in aid of the coverage of the subject of the programs and not to favor or advance the candidacies of any of those who appeared, such appearances being incidental and subordinate to the subject of the documentary. Is the appearance on the program of a candidate, in his capacity as minority leader of the House of Representatives, a "use" within the "equal opportunities" provision of section 315?

A. No. Such a program is a bona fide news documentary pursuant to section 315(a)(3). The appearance of the candidate therein is incidental to the presentation of the subject covered by the documentary and the program is not designed to aid his candidacy. (Telegram to Judge John J. Murray, June 12, 1962.)

21. Q. A television station had been presenting since 1958 a weekly 30 minute program concerning developments in the State legislature with principal Democratic and Republican party leaders of both houses of the legislature participating. At the close of each legislative term, the station televised a one hour summary of the legislature's activities, using film and recordings made during its meetings. Is the appearance, in the latter program, of an officer of the State legislature, who is also a candidate, in which he and others express their views on the accomplishments of the legislative session a "use" under the "equal opportunities" provision of section 315?

A. No. For the reasons stated in Q. and A. III.C.19, supra.

22. Q. A former President expressed his views with respect to a forthcoming national convention of his party. A candidate for that party's nomination for President called a press conference at the convention site and immediately prior to the convention to comment on said views, which conference was broadcast by two networks. Would said candidate's opponent for the same nomination be entitled to "equal opportunities"?

A. No, since the appearance of the first candidate incidental to a political convention was on a program which constituted "on-the-spot coverage of bona fide news events," pursuant to section 315(a)(4). (Telegram in re CBS and NBC, July 7, 1960; see sec. 315(a)(4), and Q. and A. III.C.23, infra; but see Q. and A. III.B.7, supra.)

*23. Q. Are acceptance speeches made at a nominating convention by successful candidates for a political party's nomination for president and vice president uses which entitle other parties' candidates for those offices to "equal opportunities" under section 315?

A. No. Prior to 1959 any use of a station's facilities by a candidate for public office required the station to afford "equal opportunities" to other can-

didates for the same office. However, one of the specific types of news programs exempted by Congress was "on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto)" in the language of 315(a)(4). The broadcast of an acceptance speech made at a political convention is an aspect of the coverage of the political convention. (Letter to Deberry-Shaw Campaign Committee, Sept. 11, 1964. See also Q. and A. III.C.22, supra; but for a ruling prior to the 1959 Amendments see letter to Progressive Party, July 2, 1952, 7 R.R. 1300, Q. and A. III.B.7.)

24. Q. A Chicago television station covered the annual Saint Patrick Day parade in that city. During the broadcast, the Mayor, a candidate for reelection, appeared for 2 minutes. Would the Mayor's opponent be entitled to "equal opportunities"?

A. No. Broadcast coverage of a parade is the type of bona fide news event contemplated by Congress in enacting the 1959 amendments to section 315. Therefore, such a broadcast would appear to constitute "on-the-spot coverage of bona fide news events" pursuant to section 315(a)(4) and any appearance by a candidate during the course of such a broadcast would not constitute a "use" of broadcast facilities entitling opposing candidates to "equal opportunities." (Letter to Lar Daly, Mar. 28, 1963.)

25. Q. An Indiana station presented the County Court Judge, who was a candidate for the Democratic mayoralty nomination in Gary, Ind., on a program entitled "Gary County Court on the Air". The program had been broadcast live by the station as a public service for the past 14 years, each Monday, Wednesday, Thursday and Friday from 9:05 a.m. to 10 a.m. One of the programs was taped for broadcast 1 day prior to the actual broadcast. The station had met with the presiding Judge some 14 years prior to the election in question to arrange for the broadcasts and each succeeding judge had agreed to continue the program because of its public interest value. For 7½ years prior to the election in question, the judge who was a candidate for the mayoralty nomination had appeared on the program. Persons appearing in the court had the privilege of declining to have their cases heard during broadcast time to prevent invasion of privacy. If, in the opinion of the presiding judge, certain cases did not lend themselves to broadcast, they were heard at times when the proceedings were not being covered by the station. The court was the usual type of City Court, handling a variety of cases and was not solely a traffic court, and it was, generally, impossible for the judge to control the content and/or persons who did appear. The program could not be by its nature and was not, by licensee insistence, tailored to suit the judge who was a candidate. The format of "Gary County Court on the Air" had remained unchanged since the inception of the program. The station used City Court case decisions on its regularly scheduled

newscasts and such decisions also appeared in Gary newspapers. Would the Judge's opponent for the nomination for Mayor be entitled to "equal time"?

A. No. The Commission concluded that the program fell within the "news event" exemption of section 315(a)(4) because the program covered the operation of an official governmental body and because the court proceedings were newsworthy. The Commission held that the program was "bona fide" in view of the fact that it had been presented by the station for 14 years, with this particular judge for 7½ years, and inasmuch as the appearance of the candidate was incidental to the on-the-spot coverage of a news event rather than for the purpose of advancing his candidacy. Therefore, the Commission ruled that "Gary County Court on the Air" fell within the reasonable latitude allowed to licensees for the exercise of good faith news judgment and was exempt from the "equal time" requirement of section 315. (Letter to Thomas R. Fadell, Apr. 10, 1963 (FCC 63-331); affirmed by order entered Apr. 29, 1963, Thomas R. Fadell v. U.S., FCC and WWC Radio Station, Case No. 14,142 (USCA, 7th).)

26. Q. On September 30, 1962, two candidates for the office of Governor of California held a 1-hour debate which was given coverage on every major television station in California, the time being donated by the stations carrying the debate. The debate was held in San Francisco as part of the annual convention of United Press International which had invited the two candidates to appear and had invited all news media to cover the event. The debate was not arranged by the stations but was broadcast by them as a public service and in the exercise of their bona fide news judgment. No other aspect of the UPI convention was broadcast other than the joint appearance of the two candidates. A third candidate for the same office requested "equal opportunities" and the stations denied the request on the basis that the prior appearances constituted "on-the-spot coverage of a bona fide news event" pursuant to section 315(a)(4) of the Communications Act. Was the third candidate entitled to "equal opportunities"?

A. Yes. The Commission held that neither the language of the amendment, the legislative history nor subsequent Congressional action indicated a Congressional intent to exempt from the "equal opportunities" provision of section 315 a debate qua debate between legally qualified candidates. The Commission pointed out that the bona fides of the licensee's news judgment, while not questioned, was not the sole criterion to be used in determining whether section 315(a)(4) had been properly invoked. It was concluded that where the appearance of the candidates was designed by them to serve their own political advantage and such appearance was ultimately the subject of a broadcast program encompassing only their entire appearance, such program cannot be considered to be on-the-spot coverage of a bona fide news event simply because

* An asterisk denotes a new question and answer.

the broadcaster deems that the candidates' appearance (or speeches) will be of interest to the general public and, therefore, newsworthy. (Telegrams to NBC and KFMB-TV, Oct. 19, 1962; letter to NBC and CBS, Oct. 26, 1962, FCC 62-1132; see also letter to The Goodwill Stations, Inc. (WJR), Oct. 19, 1962.)

*27. Q. The Columbia Broadcasting System, Inc., advised the Commission that over the years it had become the practice of the President to hold press conferences; that President Johnson had held such conferences on a periodic, though irregular, basis in the past and would undoubtedly hold press conferences prior to election day, as would his opposing candidate Senator Goldwater. CBS stated that it considered Presidential press conferences important news events, and had given them such broadcast coverage as it in its news judgment had thought was warranted and that it believed it would be in the public interest to continue to cover these press conferences, as well as those of Senator Goldwater, or some of them, in whole or in part, provided this would not require it to afford equal time to all other persons who might also be candidates for the presidency. Would such press conferences be exempt from the requirements of section 315 on the ground that the appearances were considered to be either "bona fide news interviews" or "on the spot coverage" of "bona fide news events"?

A. No. The broadcast of press conferences, such as the one described in the inquiry, would not be exempt from the provisions of section 315 either as "bona fide news interviews" or "on the spot coverage of a bona fide news event." The press conference could not qualify as a "bona fide news interview" exemption inasmuch as it was not a regularly scheduled program, within the recognized and accepted meaning of that term, but rather was one that could be called by the candidates solely in their discretion and at times they themselves specify. Such a press conference could not, in any event, qualify for exemption, since the scheduling and in significant part the content and format of the press conference was not under the control of the network. In addition the broadcast of the press conference could not be deemed to be an "on-the-spot coverage of a bona fide news event," since prior Commission rulings issued on October 19 and 26, 1962 (see Q. and A. III.C.26) pointed out inter alia, " * * * that if the sole test of the on-the-spot coverage exemption is simply whether or not the station's decision to cover the event and put it on a broadcast program constitutes a bona fide news judgment, there would be no meaning to the other three exemptions in section 315(a) since these, too, all involve a bona fide news judgment by the broadcaster." Such a test would, in effect, amount to a repeal of the "equal opportunities" provision of section 315(a)—something Congress clearly did not intend, as shown, for

example by the necessity for the suspension of that provision for the 1960 debates between the two major presidential candidates. (Letter to CBS, Sept. 30, 1964, 3 R.R. 2d 623.)

*28. Q. The President of the United States during a presidential campaign used 15 minutes of radio and television time to address the Nation with respect to an extraordinary international situation in the Middle East (the so-called Suez crisis). Would the networks carrying this address be obliged to afford "equal opportunities" to the other presidential candidates?

A. No. On the basis of the legislative history of section 315 the Commission concluded that Congress did not intend to grant equal time to all presidential candidates when the President uses the air waves in reporting to the Nation on an international crisis. (Telegram to NBC, CBS, and ABC, Nov. 5, 1956, Public Notice 38387, 14 R.R. 720.)

*29. Q. The President of the United States, upon the recommendation of the National Security Council, went on the air to deliver a report to the Nation with respect to an important announcement by the Soviet Government as to change in its leadership, and the explosion by Communist China of a nuclear device. Would the President's opponents for the Presidency be entitled to "equal opportunities"?

A. No. The networks carrying the report, in determining that such a report by the President on specific, current international events affecting the country's security falls within the "on-the-spot coverage of a bona fide news event" exemption of section 315(a)(4), acted within their "reasonable latitude for the exercise of good faith news judgment." The Commission also discussed its previous ruling of 1956 (Q. and A. III.C.28 supra) and noted that this ruling had been fully reported to the Congress and that Congress had reexamined the concept of "use" in connection with extensive amendments in 1959 to section 315, but did not alter or comment adversely upon the 1956 ruling. The decision was appealed to the U.S. Court of Appeals (D.C. Cir.) and was affirmed by a vote of 3 to 3 without opinion. A petition for certiorari to the Supreme Court was denied. (Letter to Dean Burch, Oct. 21, 1964; cert. denied, 379 U.S. 893 (1964), 3 R.R. 2d 647, 3 R.R. 2d 2025.)

IV. Who is a Legally Qualified Candidate?

IV 1. Q. How can a station know which candidates are "legally qualified"?

A. The determination as to who is a legally qualified candidate for a particular public office within the meaning of section 315 and the Commission's rules must be determined by reference to the law of the State in which the election is being held. In general, a candidate is legally qualified if he can be voted for in the State or district in which the election is being held, and, if elected, is eligible to serve in the office in question.

2. Q. Need a candidate be on the ballot to be legally qualified?

A. Not always. The term "legally qualified candidate" is not restricted to persons whose names appear on the printed ballot; the term may embrace persons not listed on the ballot if such persons are making a bona fide race for the office involved and the names of such persons, or their electors can, under applicable law, be written in by voters so as to result in their valid election. The Commission recognizes, however, that the mere fact that any name may be written in does not entitle all persons who may publicly announce themselves as candidates to demand time under section 315; broadcast stations may make suitable and reasonable requirements with respect to proof of the bona fide nature of any candidacy on the part of applicants for the use of facilities under section 315. (§§ 3.120, 3.290, 3.657, esp. par. (f); letters to Socialist Labor Party, Nov. 14, 1951, 7 R.R. 766; CBS Inc., May 28, 1952, 7 R.R. 1189; Press Release of Nov. 26, 1941 (Mimeo 55732); see also Q. and A. IV. 11, 12, and 13.)

3. Q. May a person be considered to be a legally qualified candidate where he has made only a public announcement of his candidacy and has not yet filed the required forms or paid the required fees for securing a place on the ballot in either the primary or general elections?

A. The answer depends on applicable State law. In some States persons may be voted for by electorate whether or not they have gone through the procedures required for getting their names placed on the ballot itself. In such a State, the announcement of a person's candidacy—if determined to be bona fide—is sufficient to bring him within the purview of section 315. In other States, however, candidates may not be "legally qualified" until they have fulfilled certain prescribed procedures. The applicable State laws and the particular facts surrounding the announcement of the candidacy are determinative. (Letter to Senator Earle C. Clements, Feb. 2, 1954; and see also par. (f) of §§ 3.120, 3.290, 3.657.)

4. Q. May a station deny a candidate "equal opportunities" because it believes that the candidate has no possibility of being elected or nominated?

A. No. Section 315 does not permit any such subjective determination by the station with respect to a candidate's chances of nomination or election. (Letter to CBS Inc., May 28, 1952, 7 R.R. 1189.)

5. Q. When is a person a legally qualified candidate for nomination as the candidate of a party for President or Vice President of the United States?

A. In view of the fact that a person may be nominated for these offices by the conventions of his party without having appeared on the ballot of any State having presidential primary elections, or having any pledged votes prior to the convention, or even announcing his willingness to be a candidate, no fixed rule can be promulgated in answer to this question. Whether a person so claiming is in fact a bona fide candidate will depend on the particular facts of each

* An asterisk denotes a new question and answer.

situation, including consideration of what efforts, if any, he has taken to secure delegates or preferential votes in State primaries. It cannot, however, turn on the licensee's evaluation of the claimant's chances for success. (Letter to CBS Inc., May 28, 1952, 7 R.R. 1189; and see also par. (f) of sections 73.120, 73.290, 73.657.)

6. Q. Has a claimant under section 315 sufficiently established his legal qualifications when the facts show that after qualifying for a place on the ballot for a particular office in the primary, he notified State officials of his withdrawal therefrom and then later claimed he had not really intended to withdraw, and where the facts further indicated that he was supporting another candidate for the same office and was seeking the nomination for an office other than the one for which he claimed to be qualified?

A. No. Where a question is raised concerning a claimant's legal qualification, it is incumbent on him to prove that he is in fact legally qualified. The facts here did not constitute an unequivocal showing of legal qualification. (Letter to Lar Daly, Apr. 11, 1956; letter to American Vegetarian Party, Nov. 6, 1956.)

7. Q. If a candidate establishes his legal qualifications only after the date of nomination or election for the office for which he was contending, is he entitled to equal opportunities which would have been available had he timely qualified?

A. No, for once the date of nomination or election for an office has passed, it cannot be said that one who failed timely to qualify therefor is still a "candidate". The holding of the primary or general election terminates the possibility of affording "equal opportunities", thus mooting the question of what rights the claimant might have been entitled to under section 315 before the election. (Letter to Socialist Workers' Party, Dec. 13, 1956; letter to Lar Daly, Oct. 31, 1956, 14 R.R. 713, appeal sub. nom. Daly v. U.S. Case No. 11,946 (C.A. 7th Cir.) dismissed as moot Mar. 7, 1957; cert. den. 355 U.S. 826.)

8. Q. Under the circumstances stated in the preceding question, is any post-election remedy available to the candidate, before the Commission, under section 315?

A. None, insofar as a candidate may desire retroactive "equal opportunities". But this is not to suggest that a station can avoid its statutory obligation under section 315 by waiting until an election has been held and only then disposing of demands for "equal opportunities". (See citations in Q. and A. IV.7.)

9. Q. A candidate for the Democratic Party nomination for President, appeared on a variety program prior to the nominating convention because of the prior appearance of B, his opponent. After the closing of the convention, A claimed he was entitled to additional time in order to equalize his appearance with that afforded B. Would A be entitled to additional time?

A. No. A licensee may not be required to furnish the use of its facilities to a

candidate for nomination for President after the convention has chosen its nominee. (Telegram to Lar Daly, Nov. 3, 1960.)

10. Q. When a State Attorney General or other appropriate State official having jurisdiction to decide a candidate's legal qualification has ruled that a candidate is not legally qualified under local election laws, can a licensee be required to afford such "candidate" "equal opportunities" under section 315?

A. In such instances, the ruling of the State Attorney General or other official will prevail, absent a judicial determination. (Telegram to Ralph Muncy, Nov. 5, 1954; letter to Socialist Workers' Party, Nov. 23, 1956.)

*11. Q. A television station afforded time to the Democratic candidate from the State of California for the U.S. Senate. The station subsequently turned down a request from the Socialist Labor Party for time for their candidate for the same office, on the basis of a telegram which it had received from the Secretary of State of the State of California which declared that he did not consider the Socialist Labor Party candidate a legally qualified candidate under provisions of the California Election Code. The candidate in question was duly nominated and had accepted the nomination at the Party State Convention; the Secretary of State's office was officially notified of his nomination; notification of his candidacy was sent to all news media and was published in the metropolitan newspapers; he had addressed public meetings in four large California cities on behalf of his candidacy. Upon request of the Secretary of State the Deputy Attorney General advised the Commission that under California election law write-in votes may be cast and counted for an individual seeking the office of U.S. Senator and if the individual received a plurality of the votes cast for the office the Secretary of State would certify the individual as having been elected. Would the candidate be considered legally qualified so as to be entitled to "equal opportunities" for the use of the station's facilities?

A. Yes. The Commission's rules define a legally qualified candidate, in part, as any person who has publicly announced that he is a candidate; meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate so that he may be voted for by the electorate; is eligible under the law to be voted for by writing in his name on the ballot; and makes a substantial showing that he is a bona fide candidate for nomination or office. On the basis of the facts recited it was determined that the candidate was a legally qualified candidate and as such was entitled to "equal opportunities." (Letter to Metromedia, Inc., Oct. 28, 1964.)

*12. Q. An incumbent county clerk having publicly announced his intention to run for renomination in an upcoming primary continued to broadcast sports events and otherwise speak on radio. It

* An asterisk denotes a new question and answer.

appeared that he had not filed his notification and declaration papers with the appropriate State official. Is a legally qualified candidate for the same nomination entitled to "equal opportunities" in response to the broadcast by the incumbent?

A. No. The State Attorney General indicated that a person does not become a legally qualified or "bona fide" candidate in the primary until his notification and declaration papers have been received and accepted by the applicable State officer. Since the incumbent county clerk had not filed these required papers, he was not a legally qualified candidate under section 73.120(a) of the Commission rules at the time of his broadcasts. His opponent, therefore, was not entitled to "equal opportunities" to respond to these broadcasts. (In re WDOC; letter of June 4, 1965.)

*13. Q. When a State Secretary of State has ruled that an individual has not followed the procedures required by State law for becoming a legally qualified candidate for U.S. Senator from that State, can a licensee be required to afford that individual "equal opportunities" under section 315?

A. No. When it appears that a State Secretary of State has ruled that an individual is not a legally qualified candidate under the State election law and that individual has presented no further information regarding his claimed candidacy, he has failed to meet the burden imposed by section 73.120(f) of the Commission's rules of proving that he is a legally qualified candidate for public office under section 73.120(a) of those rules. (Letter to Socialist Workers' Party, in re KNX Oct. 28, 1964.)

*14. Q. An individual seeking a U.S. Senate seat requested time from a station equal to that afforded his opponents. The individual's request had been refused by the station on the grounds that he was not a bona fide candidate. The candidate informed the Commission that he had been advised by the local election board that he possessed the necessary requisites to be a write-in candidate and claimed that he was thus entitled to equal time. Would the individual be entitled to equal opportunities under these circumstances?

A. No. The Commission found that the individual had not complied with the Commission's rules for establishing one's self as a legally qualified candidate. He had failed to submit any proof other than his own statements relating to whether he was "eligible under the applicable law to be voted for . . . by writing in his name on the ballot." Therefore, he had not met his burden of proof under section 73.657(f) of the rules. (In re WNHC-TV, letter of Nov. 4, 1964.)

V. When Are Candidates Opposing Candidates?

V. 1. Q. What public offices are included within the meaning of section 315?

A. Under the Commission's rules, section 315 is applicable to both primary and general elections, and public offices include all offices filled by special or

general election on a municipal, county, state, or national level as well as the nomination by any recognized party of a candidate for such an office.

2. Q. May the station under section 315 make time available to all candidates for one office and refuse all candidates for another office?

A. Yes. The "equal opportunities" requirement of section 315 is limited to all legally qualified candidates for the same office.

3. Q. If the station makes time available to candidates seeking the nomination of one party for a particular office, does section 315 require that it make equal time available to the candidates seeking the nomination of other parties for the same office?

A. No, the Commission has held that while both primary elections or nominating conventions and general elections are comprehended within the terms of section 315, the primary elections or conventions held by one party are to be considered separately from the primary elections or conventions of other parties, and, therefore, insofar as section 315 is concerned, "equal opportunities" need only be afforded legally qualified candidates for nomination for the same office at the same party's primary or nominating convention. The station's actions in this regard, however, would be governed by the public interest standards encompassed within the "fairness doctrine". (Letters to KWFT, Inc., Oct. 22, 1948, 4 R.R. 885; Socialist Labor Party of America, May 13, 1952, 11 R.R. 234; WCDL, Apr. 3, 1953; Senator Joseph S. Clark, Jan. 25 and Apr. 13, 1962; telegram to Dr. Edward J. Leuddeke, Oct. 25, 1961; Letter to E. C. French, Oct. 28, 1964, 3 R.R. 2d 811, Q. and A. V.5; and in re WCBS-TV, Telegram of Oct. 29, 1965.)

4. Q. If the station makes time available to all candidates of one party for nomination for a particular office, including the successful candidate, may candidates of other parties in the general election demand an equal amount of time under section 315?

A. No. For the reason given above. (Letter to KWFT, Inc., Oct. 22, 1948, 4 R.R. 885.)

*5. Q. On May 3, 1964, an incumbent Congressman from New York was afforded time to appear on a television program. At that time he was the only person who had been designated by petition under New York law as the Republican nominee for his Congressional seat. The complainant at that date was the only designated Democratic-Liberal nominee. Primaries for both parties were due to be held on June 2, 1964. However, if no further nominees were designated by April 28, 1964, and if no petitions for write-in nominees were filed by May 5, 1964, no primary would be held, since the incumbent and the complainant each would have the uncontested nomination of his respective party. In fact, no further petitions, either "des-

ignating" or "write-in," were ever filed. Was the licensee correct in refusing "equal opportunities" to the complainant in response to incumbent's May 3, broadcast on the ground that on that date each was merely a candidate for his respective party's nomination, and thus they were not opposing candidates for the same office?

A. Yes. The issue must be determined under the New York State election laws and should be resolved by appropriate State or local authorities. Since neither the complainant nor the Commission was able to obtain an interpretation of that law from the New York authorities, the Commission of necessity interpreted the law. An "uncontested position" as defined by the New York statute is one as to which (1) the number of candidates designated for the particular office does not exceed the number to be nominated or elected thereto by the party in the primary, and (2) no valid petition requesting an opportunity to write-in the name of an undesignated candidate has been filed. If both conditions are fulfilled when the period for filing such petitions is over (May 5), no primary is required. Since condition (2) of this definition could not be fulfilled until May 5, 1964, 2 days after the Republican incumbent's broadcast, neither designated candidate here involved could be considered the nominee of his respective party until May 5, and, therefore, they were not opposing candidates for Congress at the time of incumbent's broadcast. (Letter to E. C. French, Oct. 28, 1964, 3 R.R. 2d 881.)

VI. What Constitutes Equal Opportunities?

A. IN GENERAL.

VIA. 1. Q. Generally speaking, what constitutes "equal opportunities"?

A. Under section 315 and §§ 73.120, 73.290, and 73.657 of the Commission's rules, no licensee shall make any discrimination in charges, practices, regulations, facilities, or services rendered to candidates for a particular office.

2. Q. Is a licensee required or allowed to give time free to one candidate where it had sold time to an opposing candidate?

A. The licensee is not permitted to discriminate between the candidates in any way. With respect to any particular election it may adopt a policy of selling time, or of giving time to the candidates free of charge, or of giving them some time and selling them additional time. But whatever policy it adopts it must treat all candidates for the same office alike with respect to the time they may secure free and that for which they must pay.

3. Q. Is it necessary for a station to advise a candidate or a political party that time has been sold to other candidates?

A. No. The law does not require that this be done. If a candidate inquires, however, the facts must be given him. It should be noted here that a station is required to keep a public record of all requests for time by or on behalf of

political candidates, together with a record of the disposition and the charges made, if any, for each broadcast. (§§ 73.120(d), 73.290(d), 73.657(d); and telegram to Norman William Seemann, Esq., May 18, 1962.)

4. Q. If a station desires to make its facilities available on a particular day for political broadcasts to all candidates for the same office, is one of the candidates precluded from requesting "equal opportunities" at a later date if he does not accept the station's initial offer?

A. This depends on all of the circumstances surrounding the station's offer of time and, particularly, whether the station has given adequate advance notice. The Commission has held that a 4-day notice by a Texas station to a Congressman while Congress is in session does not constitute adequate advance notice and the Congressman is not foreclosed from his right to request "equal opportunities". (Letter to Jack Neil, Station KTRM, Apr. 18, 1962.)

5. Q. With respect to a request for time by a candidate for public office where there has been no prior "use" by an opposing candidate, must the station sell the candidate the specific time segment he requests?

A. No. Neither the Act nor the Commission's rules contain any provisions which require a licensee to sell a specific time segment to a candidate for public office. (Letter to Mr. Bill Neil, Station KTRM, Mar. 9, 1962.)

6. Q. Is a station required to sell to a candidate time which is unlimited as to total time and as to the length of each segment?

A. Neither the Act nor the Commission's rules contain provisions requiring stations to sell unlimited periods of time for political broadcasts. Section 315 of the Act imposes no obligation on any licensee to allow the use of its station by any candidate. Commission's programming statement contemplates the use of stations for political broadcasting. Where the station showed that sale of limited time segments to candidates was based on its experience and the interests of viewers in programing diversification, no Commission action was required. (Telegram to J. B. Lahan, May 18, 1962; and telegrams to Grover C. Doggett, Esq., May 22 and 23, 1962. Cf., letter to Station WLBT-TV, Apr. 17, 1962 and letter to Station WROX, May 3, 1962, where the Commission indicated that a public interest question would be raised if the station failed to provide any broadcast time to candidates in a major election being held within the station's coverage area.)

7. Q. If a station offers free time to opposing candidates and one candidate declines to use the time given him, are other candidates for that office foreclosed from availing themselves of the offer?

A. No. The refusal of one candidate does not foreclose other candidates wishing to use the time offered. However, whether the candidate initially declining the offer could later avail himself of "equal opportunities" would depend on all the facts and circumstances. (Letter

* An asterisk denotes a new question and answer.

on offers of free time, June 13, 1956, 14 R.R. 65.)

8. Q. If one political candidate buys station facilities more heavily than another, is a station required to call a halt to such sales because of the resulting imbalance?

A. No. Section 315 requires only that all candidates be afforded "equal opportunities" to use the facilities of the station. (Letter to Mr. M. R. Oliver, Oct. 23, 1952, 11 R.R. 239.)

9. Q. Can a station contract with the committee of a political party whereby it commits itself in advance of an election to furnish substantial blocks of time to the candidates of that party?

A. Neither section 315 nor the Commission's rules prohibit a licensee from contracting with a party for reservation of time in advance of an election. However, substantial questions as to a possible violation of section 315 would arise if the effect of such prior commitment were to disable a licensee from meeting its "equal opportunities" obligations under section 315. (Letter to Congressman Frank M. Karsten, Nov. 25, 1955.)

10. Q. Where a television station had previously offered certain specified time segments during the last week of the campaign to candidate A, who declined the purchase, and then sold the same segments to A's opponent was the station obligated under section 315 to accede to A's subsequent request for particular time periods immediately preceding or following the time segments previously offered to him and refused by him and subsequently sold to his opponent?

A. No. But the time offered to candidate A must be generally comparable. The principal factors considered in this situation were: (a) the total amount of time presently scheduled for each candidate; (b) the time segments presently offered to candidate A; (c) the time segments presently scheduled for candidate A's opponent and previously rejected by candidate A; (d) the time segments now scheduled for candidates for other offices, if any, and previously rejected by candidate A; and (e) the station's possible obligations to other candidates for office. (Telegram to Major General Harry Johnson, Nov. 1, 1961.)

11. Q. If a station has a policy of confining political broadcasts to sustaining time, but has so many requests for political time that it cannot handle them all within its sustaining schedule, may it refuse time to a candidate whose opponent has already been granted time, on the basis of its established policy of not canceling commercial programs in favor of political broadcasts?

A. No. The station cannot rely upon its policy if the latter conflicts with the "equal opportunities" requirement of section 315. (Stephens Broadcasting Co., September 4, 1945, 11 F.C.C. 61, 3 R.R. 1.)

12. Q. If one candidate has been nominated by Parties A, B, and C, while a second candidate for the same office is nominated only by Party D, how should

time be allocated as between the two candidates?

A. Section 315 has reference only to the use of facilities by persons who are candidates for public office and not to the political parties which may have nominated such candidates. Accordingly, if broadcast time is made available for the use of a candidate for public office, the provisions of section 315 require that "equal opportunities" be afforded each person who is a candidate for the same office, without regard to the number of nominations that any particular candidate may have. (Letter to Thomas W. Wilson, Oct. 31, 1946.)

B. COMPARABILITY

V.I.B. 1. Q. Is a station's obligation under section 315 met if it offers a candidate the same amount of time an opposing candidate has received, where the time of the day or week afforded the first candidate is superior to that offered his opponent?

A. No. The station in providing "equal opportunities" must consider the desirability of the time segment allotted as well as its length. And while there is no requirement that a station afford candidate B exactly the same time of day on exactly the same day of the week as candidate A, the time segments offered must be comparable as to desirability.

2. Q. If candidate A has been afforded time during early morning, noon and evening hours, does a station comply with section 315 by offering candidate B time only during early morning and noon periods?

A. No. However, the requirements of comparable time do not require a station to make available exactly the same time periods, nor the periods requested by candidate B. (Letter to D. L. Grace, July 3, 1958.)

3. Q. If a station broadcasts a program sponsored by a commercial advertiser which includes one or more qualified candidates as speakers or guests, what are its obligations with respect to affording "equal opportunities" to other candidates for the same office?

A. If candidates are permitted to appear without cost to themselves, on programs sponsored by commercial advertisers, opposing candidates are entitled to receive comparable time also at no cost. (Letter to Senator A. S. Mike Monroney, Oct. 9, 1952, 10 R.R. 451; and telegram to WWIN, May 3, 1962; but see Q. and A. V.I.B.4, infra.)

*4. Q. When a station broadcasts an appearance by a candidate which constitutes a use and it is paid for by the political campaign committee of a labor union, is an opposing candidate entitled to comparable free time?

A. No. Where a political committee of an organization such as a labor union purchases time specifically on behalf of a candidate, opposing candidates are not entitled to free time. There is a distinction between this situation and a case where a candidate is permitted to appear on a program which is regularly spon-

sored. (Telegram to Metromedia in re ILGWU Campaign Committee, Oct. 29, 1964, 3 R.R. 2d 774; but see Q. and A. V.I.B.3, supra.)

5. Q. Where a candidate for office in a State or local election appears on a national network program, is an opposing candidate for the same office entitled to equal facilities over stations which carried the original program and serve the area in which the election campaign is occurring?

A. Yes. Under such circumstances an opposing candidate would be entitled to time on such stations. (Letter to Senator A. S. Mike Monroney, Oct. 9, 1952.)

6. Q. Where a candidate appears on a particular program—such as a regular series of forum programs—are opposing candidates entitled to demand to appear on the same program?

A. Not necessarily. The mechanics of the problem of "equal opportunities" must be left to resolution of the parties. And while factors such as the size of the potential audience because of the appearance of the first candidate on an established or popular program might very well be a matter for consideration by the parties, it cannot be said, in the abstract, that "equal opportunities" could only be provided by giving opposing parties time on the same program. (Letter to Harold Oliver, Oct. 31, 1952; letter to CBS, Inc., Oct. 31, 1952; in re WPRO-TV, letter of Oct. 20, 1964.)

7. Q. Where a station asks candidates A and B (opposing candidates in a primary election) to appear on a debate-type program, the format of which is generally acceptable to the candidate, but with no restrictions as to what issues or matters might be discussed, and candidate A accepts the offer and appears on the program and candidate B declines to appear on the program, is candidate B entitled to further "equal opportunities" in the use of the station's facilities within the meaning of section 315 of the act? If so, is any such obligation met by offering candidate B, prior to the primary, an opportunity to appear on a program of comparable format to that on which candidate A appeared, or is the station obligated to grant candidate B time equal to that used by candidate A on the program in question unrestricted as to format?

A. Since the station's format was reasonable in structure and the station put no restrictions on what matters and issues might be discussed by candidate B and others who appeared on the program in question, it offered candidate B "equal opportunities" in the use of its facilities within the meaning of section 315 of the Act. The station's further offer to candidate B, prior to the primary, of its facilities on a "comparable format" was reasonable under the facts of the case, consistent with any continuing obligation to afford candidate B "equal opportunities" in the use of the station which he may have had. (Letter to Congressman Bob Wilson, Aug. 1, 1958.)

8. Q. A licensee offered broadcast time to all the candidates for a particular office for a joint appearance, the details of which program were determined solely

* An asterisk denotes a new question and answer.

by the licensee. If Candidate "A" rejects the offer and Candidate "B" and/or other candidates accepts and appears, would Candidate "A" be entitled to "equal opportunities" because of the appearance of Candidate "B" and/or other candidates on the program previously offered by the licensee to all of the candidates?

A. Yes, provided the request is made by the candidate within the period specified by the rules. The Commission stated that licensees should negotiate with the affected candidates and that where the offer was mutually agreeable to such candidates, "equal opportunities" were being afforded to the candidates. Where the candidate rejected the proposal, however, and other candidates accepted and appeared, the Commission stated: "Where the licensee permits one candidate to use his facilities, section 315 then—simply by virtue of that use—requires the licensee to 'afford equal opportunities to all other such candidates for that office in the use of such broadcasting station.' This obligation may not be avoided by the licensee's unilateral actions in picking a program format, specifying participants other than and in addition to the candidates, setting the length of the program, the time of taping, the time of broadcast, etc., and then offering the package to the candidates on a 'take it or leave it—this is my final offer' basis. For * * * section 315 provides that the station 'shall have no power of censorship over the material broadcast.' (Cf. Port Huron Broadcasting Co., 4 R.R. 1.) Clearly, the 'take it or leave it' basis described above would constitute such prohibited censorship, since it would, in effect, be dictating the very format of the program to the candidate—and thus, an important facet of 'the material broadcast.' We wish to make clear that the Commission is in no way saying that one format is more in the public interest than another. On the contrary, the thrust of our ruling is that the Act bestows upon the candidate the right to choose the format and other similar aspects of 'the material broadcast', with no right of 'censorship' in the licensee." Cf. *Farmers Educational and Cooperative Union of America, North Dakota Division v. WDAY, Inc.*, 360 U.S. 525. (Letter to Nicholas Zapple, Oct. 5, 1962.)

9. Q. In affording "equal opportunities", may a station limit the use of its facilities solely to the use of a microphone?

A. A station must treat opposing candidates the same with respect to the use of its facilities and if it permits one candidate to use facilities over and beyond the microphone, it must permit a similar usage by other qualified candidates. (Letter to D. L. Grace, July 3, 1958.)

VII. What Limitations Can Be Put on the Use of Facilities by a Candidate?

VII. 1. Q. May a station delete material in a broadcast under section 315 because it believes the material contained therein is or may be libelous?

A. No. Any such action would entail censorship which is expressly prohibited by section 315 of the Communications Act. (Port Huron Broadcasting Co., 12 FCC 1069, 4 R.R. 1; WDSU Broadcasting Co., 7 R.R. 769.)

2. Q. If a legally qualified candidate broadcasts libelous or slanderous remarks, is the station liable therefor?

A. In Port Huron Broadcasting Co., 12 FCC 1069, 4 R.R. 1, the Commission expressed an opinion that licensees not directly participating in the libel might be absolved from any liability they might otherwise incur under State law, because of the operation of section 315, which precludes them from preventing a candidate's utterances. In a subsequent case, the Commission's ruling in the Port Huron case was, in effect, affirmed, the Supreme Court holding that since a licensee could not censor a broadcast under section 315, Congress could not have intended to compel a station to broadcast libelous statements of a legally qualified candidate and at the same time subject itself to the risk of damage suits. (Read: *Farmers Educational & Cooperative Union of America v. WDAY, Inc.*, 79 S. Ct. 1302 (Oct. 1958) 89 N.W. 2d 102, 164 F. Supp. 928.)

3. Q. Does the same immunity apply in a case where the Chairman of a political party's campaign committee, not himself a candidate, broadcasts a speech in support of a candidate?

A. No, licensees are not entitled to assert the defense that they are not liable since the speeches could have been censored without violating section 315. Accordingly, they were at fault in permitting such speeches to be broadcast. (*Felix v. Westinghouse Radio Stations*, 186 F. 2d 1, cert. den. 341 U.S. 909.)

4. Q. A candidate prepared a 15-minute video tape which contained the opinions of several private citizens with respect to an issue pertinent to the pending election. If the station broadcast such program in which the candidate did not appear, would the immunity afforded licensees by section 315 from liability for the broadcast of libelous or slanderous remarks by candidates be applicable?

A. No. The provision of section 315 prohibiting censorship by a licensee over material broadcast pursuant to section 315 applies only to broadcasts by candidates themselves. Section 315, therefore, is not a defense to an action for libel or slander arising out of broadcasts by non-candidates speaking in behalf of another's candidacy. Since section 315 does not prohibit the licensee from censoring such a broadcast, the licensee is not entitled to the protection of section 315. (Letter to Mr. William P. Webb, Apr. 24, 1962.)

5. Q. If a candidate secures time under section 315, must he talk about a subject directly related to his candidacy?

A. No. The candidate may use the time as he deems best. To deny a person time on the ground that he was not using it in furtherance of his candidacy would be an exercise of censorship prohibited by section 315. (Letter to WMCA, Inc., May 15, 1952, 7 R.R. 1132.)

6. Q. If a station makes time available to an office holder who is also a legally qualified candidate for reelection and the office holder limits his talks to non-partisan and informative material, may other legally qualified candidates who obtain time be limited to the same subjects or the same type of broadcast?

A. No. Other qualified candidates may use the facilities as they deem best in their own interest. (Letter to Congressman Allen Oakley Hunter, May 28, 1952, 11 R.R. 234.)

*7. Q. May a licensee, as a condition to allowing a candidate the use of its broadcast facilities, require the candidate to submit an advance script of his program?

A. Section 315 expressly provides that licensees "shall have no power of censorship over the material broadcast under the provisions of this section." The licensee may request submission of an advance script, to aid in its presentation of the program (e.g., suggestions as to the amount of time needed to deliver the script). But any requirement of an advance script from a candidate violates section 315. A licensee could not condition permission to broadcast upon receipt of an advance script, because "the Act bestows upon the candidate the right to choose the format and other similar aspects of 'the material broadcast', with no right of 'censorship' in the licensee." Letter to Nicholas Zapple, October 5, 1962, FCC 62-1031. (See also *Farmers Educational and Cooperative Union of America v. WDAY, Inc.*, 360 U.S. 525 [1958], but cf. letter to H. A. Rosenberg, Louisville, Ky., July 9, 1952, 11 R.R. 236, for a ruling antedating the WDAY decision.)

*8. Q. Where a candidate desires to record his proposed broadcast, may a station require him to make the recording at his own expense?

A. Yes. Provided that the procedures adopted are applied without discrimination between candidates for the same office and no censorship is attempted.

VIII. What Rates Can Be Charged Candidates for Programs Under Section 315?

VIII. 1. Q. May a station charge premium rates for political broadcasts?

A. No. Section 315, as amended, provides that the charges made for the use of a station by a candidate "shall not exceed the charges made for comparable use of such stations for other purposes."

2. Q. Does the requirement that the charges to a candidate "shall not exceed the charges for comparable use" of a station for other purposes apply to political broadcasts by persons other than qualified candidates?

A. No. This requirement applies only to candidates for public office. Hence, a station may adopt whatever policy it desires for political broadcasts by organizations or persons who are not candidates for office, consistent with its obligation to operate in the public interest.

* An asterisk denotes a new question and answer.

(Letter to Congressman Charles C. Diggs, Jr., Mar. 16, 1955.)

3. Q. May a station with both "national" and "local" rates charge a candidate for local office its "national" rate?

A. No. Under §§ 73.120, 73.290, and 73.657 of the Commission's rules a station may not charge a candidate more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that within which persons may vote for the particular office for which such person is a candidate.

4. Q. Considering the limited geographical area which a member of the House of Representatives serves, must candidates for the House be charged the "local" instead of the "national" rate?

A. This question cannot be answered categorically. To determine the maximum rates which could be charged under section 315, the Commission would have to know the criteria a station uses in classifying "local" versus "national" advertisers before it could determine what are "comparable charges." In making this determination, the Commission does not prescribe rates but merely requires equality of treatment as between 315 broadcasts and commercial advertising. (Letter to Congressman Richard M. Simpson, Feb. 27, 1957.)

5. Q. Is a political candidate entitled to receive discounts?

A. Yes. Under §§ 73.120, 73.290, and 73.657 of the Commission's rules political candidates are entitled to the same discounts that would be accorded persons other than candidates for public office under the conditions specified, as well as to such special discounts for programs coming within section 315 as the station may choose to give on a nondiscriminatory basis.

6. Q. Can a station refuse to sell time at discount rates to a group of candidates for different offices who have pooled their resources to obtain a discount, even though as a matter of commercial practice, the station permits commercial advertisers to buy a block of time at discount rates for use by various businesses owned by them?

A. Yes, section 315 imposes no obligation on a station to allow the use of its facilities by candidates, and neither that section nor the Commission's rules require a station to sell time to a group of candidates on a pooled basis, even though such may be the practice with respect to commercial advertisers. (Letter to WKBT-WKBH, Oct. 14, 1954.)

7. Q. If candidate A purchases 10 time segments over a station which offers a discount rate for purchase of that amount of time, is candidate B entitled to the discount rate if he purchases less time than the minimum to which discounts are applicable?

A. No. A station is under such circumstances only required to make available the discount privileges to each legally qualified candidate on the same basis.

8. Q. If a station has a "spot" rate of 2 dollars per "spot" announcement,

with a rate reduction to 1 dollar if 100 or more such "spots" are purchased on a bulk time sales contract, and if one candidate arranges with an advertiser having such a bulk time contract to utilize five of these spots at the 1 dollar rate, is the station obligated to sell the candidates of other parties for the same office time at the same 1 dollar rate?

A. Yes. Other legally qualified candidates are entitled to take advantage of the same reduced rate. (Letter to Senator A. S. Mike Monroney, Oct. 16, 1952.)

9. Q. Where a group of candidates for different offices pool their resources to purchase a block of time at a discount, and an individual candidate opposing one of the group seeks time on the station, to what rate is he entitled?

A. He is entitled to be charged the same rate as his opponent since the provisions of section 315 run to the candidates themselves and they are entitled to be treated equally with their individual opponents. (Report and order, Docket 11092, 11 R.R. 1501.) (Cf. Q. and A. V.I.B.3; and telegram of WWIN, May 3, 1962.)

10. Q. Is there any prohibition against the purchase by a political party of a block of time for several of its candidates, for allocation among such candidates on the basis of personal need, rather than on the amount each candidate has contributed to the party's campaign fund?

A. There is no prohibition in section 315 or the Commission's rules against the above practices. It would be reasonable to assume that the group time used by a candidate is, for the purposes of section 315, time paid for by the candidate through the normal device of a recognized political campaign committee, even though part of the campaign funds was derived from sources other than the candidates' contributions. (Letter on distribution of time among candidates, Oct. 14, 1954.)

11. Q. When a candidate and his immediate family own all the stock in a corporate licensee and the candidate is the president and general manager, can he pay for time to the corporate licensee from which he derives his income and have the licensee make a similar charge to an opposing candidate?

A. Yes. The fact that a candidate has a financial interest in a corporate licensee does not affect the licensee's obligation under section 315. Thus, the rates which the licensee may charge to other legally qualified candidates will be governed by the rate which the stockholder candidate actually pays to the licensee. If no charge is made to the stockholder candidate, it follows that other legally qualified candidates are entitled to equal time without charge. (Letter to WKOA, Mar. 18, 1957.)

12. Q. A station adopted and maintained a policy under which commissions were not paid to advertising agencies in connection with political advertising although it did pay such commissions in connection with commercial advertising. Further, in the case of commercial advertisers who did not use advertising agen-

cies, the station performed those functions which the advertising agency would normally perform, but in the case of political advertisers, the station performed no such services. An agency which had placed political advertising over the station in a recent election made a demand of the station for payment of the agency commission. Was the station's policy consistent with section 315 of the Communications Act?

A. No. The Commission held that such a policy violated both section 315(b) of the Act and § 73.120(c) of the rules; that the benefits accruing to a candidate from the use of an advertising agency were neither remote, intangible nor insubstantial; and that while under the station's policy, a commercial advertiser would, in addition to broadcast time, receive the services of an advertising agency merely by paying the station's established card rate, the political advertiser, in return for payment of the same card rate, would receive only broadcast time. The Commission held that such a resultant inequality in treatment vis-à-vis commercial advertisers is clearly prohibited by the Act and the rules. (In re KNOE-TV, letter of May 13, 1964, FCC 64-430.)

*13. Q. The Commission received a complaint on behalf of a member of the Pennsylvania House of Representatives running for reelection claiming that a local station was charging him more for his political spot announcements than it had charged him for commercial announcements on behalf of his business in the past. The station stated that the rates normally charged to the complainant for his commercial spot announcements on behalf of his business were based on an existing contract between the station and the complainant which had been entered into 8 years previously. The provisions of the contract had apparently been renewed with unchanged rates and the rates set at the time the contract was entered into were less than the present rates the local station charged to other commercial advertisers. The rates being charged to the complainant for his political announcements were the same rates the station currently charged to other commercial advertisers for a comparable use of the station's facilities. Under these circumstances is the station acting in compliance with the provisions of section 315(b) of the Communications Act and of the Commission's rules?

A. Yes. If the station were to allow the complainant to purchase political spot announcements at the rates charged to him for his commercial spot announcements, then the station would either be giving him treatment preferential to that given to his opponents or it would have to charge all candidates this lesser rate. This was not the intent of either section 315(b) of the Communications Act or the Commission's rules. In charging the complainant the rate for a political advertisement that was normally charged other commercial advertisers for a com-

* An asterisk denotes a new question and answer.

parable use, the station was acting in compliance with both the Act and the rules. (In re WCBG, letter of Nov. 3, 1964.)

*14. Q. The Commission received a complaint alleging that several stations were charging the national rate to a candidate for election to Congress but were charging a candidate for local office a local rate which was less than the national rate. The stations informed the Commission that this classification of national as against local rates for political broadcast purposes paralleled their commercial rate policy which provided that the local retail rate was applicable only to strictly local concerns whose products or services were confined to the immediate metropolitan area and that all other advertisers taking advantage of the station circulation and coverage outside and beyond the metropolitan area must pay the general or national rate. Is the stations' practice with respect to rates charged to political candidates consistent with the Act and the Commission rules?

A. Yes. The stations' action was not inconsistent with either the Act or its rules, since the rates charged to candidates (both for the local office and Congress) were the same as the rates charged to commercial advertisers whose advertising was directed to promoting their businesses within the same area as that encompassed by the political office for which such person is a candidate. (In re WSAV, letter of Sept. 11, 1964.)

IX. Period Within Which Request Must Be Made

IX. 1. Q. When must a candidate make a request of the station for opportunities equal to those afforded his opponent?

A. Within 1 week of the day on which the prior use occurred. (Par. (e) of §§ 73.120, 73.290, and 73.657 of the Commission rules; and telegram to WWIN, May 3, 1962.)

2. Q. A U.S. Senator, unopposed candidate in his party's primary had been broadcasting a weekly program entitled "Your Senator Reports". If he becomes opposed in his party's primary, would his opponent be entitled to request "equal opportunities" with respect to all broadcasts of "Your Senator Reports" since the time the incumbent announced his candidacy?

A. No. A legally qualified candidate announcing his candidacy for the above nomination would be required to request "equal opportunities" concerning a particular broadcast of "Your Senator Reports" not later than 1 week after the date of such broadcast. Thus, any of the incumbent's opponents for the nomination who first announced his candidacy on a particular day, would not be in a position to request "equal opportunities" with respect to any showing of "Your Senator Reports" which was

broadcast more than 1 week prior to the date of such announcement. (Letter to Senator Joseph S. Clark, Apr. 16, 1962.)

3. Q. A candidate for U.S. Senator in the Democratic primary, who was also the part owner and president of AM and FM stations in the State, wrote to his opponent, the incumbent Senator, and stated, in substance, that he was using a certain amount of time daily on his stations and that the incumbent was "entitled to equal time, at no charge" and was urged to take advantage of the time. A couple of weeks later, the incumbent, by letter, thanked the station owner for advising him "of the accumulation of time" on each station and stated that the station owner would be notified when incumbent decided to start using the accumulated time. The station owner did not respond to the incumbent's letter. About 6 weeks later, incumbent requested equal opportunities. Were the stations correct in advising incumbent that the Commission's 7-day rule was applicable, thereby precluding requests for "equal opportunities" for any broadcasts prior to 7 days before the request?

A. No. The Commission stressed that where, as here, the licensee, or a principal of the licensee, was also the candidate, there is a special obligation upon the licensee to insure fair dealings in such circumstances and held that the licensee was estopped in the circumstances from relying upon the 7-day rule. The Commission held that the incumbent's letter reasonably constituted a notification as required under the rules; that the licensee knew that equal opportunities were requested; and that he could have made, if he wished, reasonable scheduling plans. (Letter in re KLIF, Apr. 22, 1964, FCC 64-363.)

X. Issuance of Interpretations of Section 315 by the Commission

X.1. Q. Under what circumstances will the Commission consider issuing declaratory orders, interpretive rulings, or advisory opinions with respect to section 315?

A. Section 5(d) of the Administrative Procedure Act, Title 5, U.S.C.A., provides that "The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty." However, agencies are not required to issue such orders merely because a request is made therefor. The grant of authority to agencies to issue declaratory orders is limited, and such orders are authorized only with respect to matters which are required by statute to be determined "on the record after opportunity for an agency hearing." See Attorney General's Manual on the Administrative Procedure Act, pp. 59, 60; also, In re Goodman, 12 FCC 678, 4 Pike and Fischer R.R. 98. In general, the Commission limits its interpretive rulings or advisory opinions to situations where the critical facts are explicitly stated without the possibility that sub-

sequent events will alter them. It prefers to issue such rulings or opinions where the specific facts of a particular case in controversy are before it for decision. (Letter in re WDSU, June 18, 1958.)

Adopted: April 27, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,¹
[SEAL] BEN F. WAPLE,
Secretary.

Appendix A—Correlation Table

1966 Public notice	1962 Public notice	1964 Supplement	New rulings
III.A.			
1.....	1		
2.....	2		
3.....	3		
III.B.			
1.....	4		
2.....	5		
3.....	6		
4.....	7		
5.....			In re United Community Campaigns.
6.....	18		
7.....	9		
8.....	10		
9.....	11		
10.....	12		
11.....	13		
12.....			In re WNEP.
13.....			In re WNEP.
14.....	14		In re WMAY.
III.C.			
1.....	15		
2.....	16		
3.....	17		
4.....	18		
5.....			In re WMAY.
6.....	19		
7.....	20		
8.....	21		
9.....	22		
10.....	23		
11.....		1	
12.....		2	
13.....	24		
14.....	25		
15.....		5	
16.....	26		
17.....	27		
18.....	28		
19.....		4	
20.....	29		
21.....	30		
22.....	31		
23.....			DeBarry-Shaw Campaign Committee.
24.....		6	
25.....		7	
26.....		8	
27.....			Letter to CBS on presidential press conferences.
28.....			Telegram on "Suez crisis" speech.
29.....			Letter to D. Burch.
IV.			
1.....	32		
2.....	33		
3.....	34		
4.....	35		
5.....	36		
6.....	37		
7.....	38		
8.....	39		
9.....	40		
10.....	41		
11.....			Letter to Metro-media.
12.....			In re WDOC.
13.....			In re KNX.
14.....			In re WNHC.
V.			
1.....	42		
2.....	43		
3.....	44		
4.....	45		
5.....			Letter to E. C. French.

¹ Commissioner Loevinger absent.

* An asterisk denotes a new question and answer.

Appendix A—Correlation Table— Continued

1966 Public notice	1962 Public notice	1964 Supplement	New rulings
VIA.			
1.....	46	-----	
2.....	47	-----	
3.....	48	-----	
4.....	49	-----	
5.....	50	-----	
6.....	51	-----	
7.....	52	-----	
8.....	53	-----	
9.....	54	-----	
10.....	55	-----	
11.....	56	-----	
12.....	57	-----	
VI.B.			
1.....	58	-----	
2.....	59	-----	
3.....	60	-----	
4.....		-----	In re ILGWU.
5.....	61	-----	
6.....	62	-----	
7.....	63	-----	
8.....	64	-----	
9.....	65	-----	
VII.			
1.....	66	-----	
2.....	67	-----	
3.....	68	-----	
4.....	69	-----	
5.....	70	-----	
6.....	71	-----	
	¹ 72	-----	
	² 73	-----	
7.....		-----	Hypothetical.
8.....		-----	Hypothetical.
VIII.			
1.....	74	-----	
2.....	75	-----	
3.....	76	-----	
4.....	77	-----	
5.....	78	-----	
6.....	79	-----	
7.....	80	-----	
8.....	81	-----	
9.....	82	-----	
10.....	83	-----	
11.....	84	-----	
12.....		VIII.1.	
13.....			In re WCBG.
14.....			In re WSAV.
IX.			
1.....	85	-----	
2.....	86	-----	
3.....		IX.1.	
X.			
1.....	87	-----	

¹ Deleted (reversed by 1959 amendments, and superseded by Q. and A. III.C.25.)

² Deleted (updated by Q. and A. VII.7.)

³ Deleted (replaced by Q. and A. VII.8.)

[F.R. Doc. 66-4786; Filed, May 3, 1966;
8:45 a.m.]